on the thirtieth day of June, nineteen hundred and thirty-six, and, if an order to that effect is, before the end of June, nineteen hundred and thirty-six, made by the appropriate Ministers and approved by a Resolution of each House of Parliament, shall be further extended so as to end on such day falling between the end of June, nineteen hundred and thirty-six, and the beginning of the next following November, as may be specified in the order.

(2) For the proviso to subsection (1) of section three of the Cattle Industry (Emergency Provisions) Act, 1934, as so amended (which section provides for the marking of imported cattle) there shall be substituted the following proviso :—

> " Provided that an order under this section shall not apply in relation to any cattle imported into the United Kingdom after the end of the period specified in subsection (1) of section two of this Act, as amended by any subsequent enactment."

Short title, construction and citation.

2. This Act may be cited as the Cattle Industry (Emergency Provisions) (No. 2) Act, 1935, and shall be construed as one with the Cattle Industry (Emergency Provisions) Act, 1934; and this Act shall be included among the Acts which may be cited together as the Cattle Industry (Emergency Provisions) Acts, 1934 and 1935.

CHAPTER 40.

An Act to make further and better provision for the abatement and prevention of overcrowding, the re-development of urban areas in connection with the provision of housing accommodation therein, and the reconditioning of buildings, to make provision for the establishment of a housing advisory committee and of commissions for the management of local authorities' houses, to amend the enactments relating to the

housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts, to amend the enactments relating to housing; and for purposes connected with the matters aforesaid. [2nd August 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

PART I.

OVERCROWDING, RE-DEVELOPMENT AND RE-CONDITIONING.

Abatement of overcrowding.

Duty of local authority to inspect and to make reports and proposals as to overcrowding.

1.—(1) It shall be the duty of every local authority before such dates as may be fixed by the Minister as respects their district, to cause an inspection thereof to be made with a view to ascertaining what dwelling-houses therein are overcrowded, and to prepare and submit to the Minister a report showing the result of the inspection and the number of new houses required in order to abate overcrowding in their district, and, unless they are satisfied that the required number of new houses will be otherwise provided, to prepare and submit to the Minister proposals for the provision thereof.

(2) If at any time or times after effect has been given by a local authority to the provisions of the foregoing subsection it appears to them that occasion has arisen therefor, or the Minister so directs, it shall be the duty of the authority to cause a further inspection to be made and to prepare and submit a report and proposals as aforesaid as respects their district or any part thereof, and, where the Minister gives a direction under this subsection, he may, after consultation with the local authority, fix dates before which the performance of the said duties is to be completed.

(3) Subsection (2) of section twenty-five of the Act of 1930 shall cease to have effect. 20 & 21 Geo. 5. c. 39.

PART I. —*cont.*

Definition of overcrowding.

2.—(1) A dwelling-house shall be deemed for the purposes of this Act to be overcrowded at any time when the number of persons sleeping in the house either—

(*a*) is such that any two of those persons, being persons ten years old or more of opposite sexes and not being persons living together as husband and wife, must sleep in the same room; or

(*b*) is, in relation to the number and floor area of the rooms of which the house consists, in excess of the permitted number of persons as defined in the First Schedule to this Act.

(2) In determining for the purposes of this section the number of persons sleeping in a house, no account shall be taken of a child under one year old, and a child who has attained one year and is under ten years old shall be reckoned as one half of a unit.

Offences in relation to overcrowding.

3.—(1) Subject to the provisions of this Part of this Act, if after the appointed day the occupier or the landlord of a dwelling-house causes or permits it to be overcrowded, he shall be guilty of an offence and shall be liable on summary conviction to a fine not exceeding five pounds and to a further fine not exceeding two pounds in respect of every day subsequent to the day on which he is convicted on which the offence continues.

(2) The occupier of a dwelling-house which is occupied on the appointed day shall not be guilty of an offence under this section in respect of the overcrowding thereof so long as all the persons sleeping in the house are persons who were living there on the appointed day and thereafter continuously live there, or children born after that day of any of those persons, unless—

(*a*) suitable alternative accommodation is offered to the occupier after the appointed day and he fails to accept it; or

(*b*) suitable alternative accommodation is so offered to some person living in the house who is not a member of the occupier's family and whose removal is reasonably practicable in all the circumstances, and the occupier fails to require his removal.

(3) Where after the appointed day a dwelling-house which would not otherwise be overcrowded becomes

PART I. —*cont.*

overcrowded by reason of a child attaining one of the ages referred to in the last foregoing section then, if the occupier applies to the local authority for suitable alternative accommodation or has so applied before the date when the child attains that age, he shall not be guilty of an offence under this section in respect of the overcrowding of the house after the date of his application, so long as all the persons sleeping in the house are persons who were living there on the date when the child attained that age and thereafter continuously live there, or children born after that date of any of those persons, unless—

(*a*) suitable alternative accommodation is offered to the occupier on or after the date when the child attains that age, or, if he has applied before that date, is offered at any time after the application, and he fails to accept it; or

(*b*) the removal from the house of some person not a member of the occupier's family is on that date or thereafter becomes reasonably practicable having regard to all the circumstances (including the availability of suitable alternative accommodation for that person), and the occupier fails to require his removal.

(4) Where the persons sleeping in an overcrowded house include a member of the occupier's family who does not live there but is sleeping there temporarily, the occupier shall not be guilty of an offence under this section in respect of the overcrowding of the house unless the circumstances are such that he would be so guilty if that member of his family were not sleeping in the house.

(5) The landlord of an overcrowded house shall be deemed to cause or permit it to be overcrowded—

(*a*) if, after notice in writing that it is overcrowded in such circumstances as to render the occupier thereof guilty of an offence has been served upon the landlord or his agent by the local authority, the landlord fails to take such steps as it is reasonably open to him to take for securing the abatement of the overcrowding, including if necessary legal proceedings for possession of the house; or

PART I. —*cont.*

(*b*) if, when letting the house after the appointed day, the landlord, or any person effecting the letting on the landlord's behalf, had reasonable cause to believe that it would become overcrowded in such circumstances as to render the proposed occupier thereof guilty of an offence, or failed to make inquiries of the proposed occupier as to the number, age and sex of persons who would be allowed to sleep in the house;

and not otherwise.

Power of Minister to increase the permitted number temporarily to meet exceptional conditions.

4.—(1) Where, on the representation of the local authority and after consultation with the Central Housing Advisory Committee appointed under this Act, the Minister is satisfied that dwelling-houses consisting of few rooms, or comprising rooms of exceptional floor area, constitute so large a proportion of the housing accommodation in the district of the authority, or in any part thereof, that the application of the provisions of the First Schedule to this Act throughout the district, or that part thereof, immediately after the appointed day would be impracticable, he may by order direct that, in relation to those houses or to such of them as are of a specified type, the said provisions shall, during such period, not exceeding three years from the coming into operation of the order, as may be specified therein and any extension of that period which the Minister may allow, have effect subject to such modifications for increasing the permitted number of persons as may be specified therein, and the order may specify different modifications in relation to different types of houses.

(2) After consultation with the said Committee and the local authority, the Minister may by order revoke any such order as aforesaid, or vary the provisions of any such order either as respects the modifications specified therein or as respects the houses to which the modifications apply or as respects both.

Power of local authority to authorise the temporary use of a house by persons in excess of

5.—(1) Where it appears to the local authority, having regard to the existence of exceptional circumstances, to be expedient so to do, they may, on the application of the occupier or intending occupier of a dwelling-house in their district, grant him a licence authorising him to permit such number of persons in excess of the permitted number as may be specified in the licence to sleep in the house.

PART I. —*cont.*

(2) A licence granted under this section shall be in the prescribed form and may be granted either unconditionally or subject to any conditions specified therein.

the permitted number.

(3) A licence granted under this section shall, unless previously revoked, continue in force for such period (not exceeding twelve months) as may be specified therein, but may be revoked by the local authority at their discretion by means of a notice in writing served upon the occupier and specifying a period (not being less than one month from the date of the service of the notice) at the expiration of which the licence is to cease to be in force.

(4) A copy of any licence granted under this section, and of any notice served thereunder, shall be served by the local authority on the landlord, if any, of the dwelling-house to which it relates within seven days after the issue of the licence or the service of the notice on the occupier, as the case may be.

(5) The occupier of a dwelling-house shall not be guilty of an offence under section three of this Act by reason of anything done by him under the authority of, and in accordance with any conditions specified in, a licence in force under this section.

(6) A local authority may take into consideration a seasonal increase of population in their district as an exceptional circumstance to which regard is to be had for the purposes of this section.

Entries in rent books, information and certificates with respect to the permitted number.

6.—(1) As from the expiration of six months from the appointed day, every rent book or similar document used in relation to a dwelling-house by or on behalf of the landlord thereof shall contain a summary in the prescribed form of the provisions of sections two, three and five of this Act and a statement of the permitted number of persons in relation to the house, and if any such book or document not containing such summary and statement as aforesaid is used by or on behalf of the landlord he shall be liable on summary conviction to a fine not exceeding ten pounds. An occupier of a dwelling-house who is required by an officer of the local authority duly authorised in that behalf to produce for inspection by the authority any rent book or similar document which is being used in relation to the house and is in the custody

PART I. —*cont.*

of the occupier or under his control shall, on being so required as aforesaid or within seven days thereafter, produce any such book or document to the officer or at the offices of the authority, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds.

(2) It shall be the duty of the local authority, upon the application of the landlord, or of the occupier, of a dwelling-house, to inform the applicant in writing of the number of persons constituting the permitted number in relation to the house, and a statement inserted in a rent book or similar document under the foregoing subsection shall be deemed to be a sufficient and correct statement if it agrees with information given under this subsection.

15 & 16 Geo. 5. c. 14.

(3) Section one hundred and twenty-seven of the Act of 1925 (which confers powers of entry for certain purposes) shall apply for the purpose of the measurement of the rooms of a dwelling-house with a view to the ascertainment of the permitted number of persons.

(4) The Minister may prescribe the manner in which the floor area of a room is to be ascertained for the purposes of the First Schedule to this Act, and the regulations may provide for the exclusion from computation, or for the bringing into computation at a reduced figure, of floor space in any part of a room which is of less than a specified height not exceeding eight feet.

(5) A certificate of the local authority stating the number and floor areas of the rooms in a dwelling-house, and that the floor areas thereof have been ascertained in the prescribed manner, shall, for the purposes of any legal proceedings, be prima facie evidence of the facts stated therein.

Power of local authority to publish information as to rights and duties as respects overcrowding.

7. The local authority shall have power to publish information for the assistance of landlords and occupiers of dwelling-houses as to their rights and duties under the provisions of this Part of this Act relating to overcrowding and as to the enforcement thereof.

Duty of landlord to inform local authority of overcrowding.

8. Where after the appointed day it comes to the knowledge of the landlord of a dwelling-house or of his agent that it is overcrowded then, unless notice thereof has already been given to the local authority, the landlord or his agent, as the case may be, shall within seven days

after that fact first comes to his knowledge give notice thereof to them, and if he fails so to do he shall be liable on summary conviction to a fine not exceeding two pounds:

Provided that this section shall not apply to overcrowding which existed on the appointed day, or has been notified to the landlord or to his agent by the local authority, or is constituted by the use of the house for sleeping by such number of persons as the occupier is authorised to permit to sleep there by a licence in force under this Part of this Act.

Right of landlord to obtain possession of overcrowded house.

9.—(1) Where a dwelling-house is overcrowded in such circumstances as to render the occupier thereof guilty of an offence, nothing in the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, shall prevent the landlord from obtaining possession of the house.

(2) Where a landlord comes into possession of a house by virtue only of the provisions of the foregoing subsection then, notwithstanding anything in section two of the Rent and Mortgage Interest Restrictions Act, 1923, the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, if applicable to the house, shall not cease to apply thereto by reason only of the fact that the landlord comes into possession of the house.

13 & 14 Geo. 5. c. 32.

Enforcement of foregoing provisions.

10.—(1) It shall be the duty of the local authority to enforce the foregoing provisions of this Part of this Act as respects dwelling-houses in their district, and a prosecution for an offence against the said provisions shall not be instituted otherwise than by the local authority:

Provided that such a prosecution may be instituted against the local authority themselves by another person with the consent of the Attorney-General.

(2) The local authority may serve upon the occupier of a dwelling-house which is overcrowded in such circumstances as to render him guilty of an offence notice in writing requiring him to abate the overcrowding before the expiration of fourteen days from the date of the service of the notice, and, if at any time within three months from the expiration of that period the house is in the occupation of the person upon whom the notice was served or of a member of his family and is overcrowded in such circumstances as to render the occupier guilty of an offence, the local authority may make complaint to a court of summary jurisdiction and thereupon

PART I. —*cont.*

the court shall, by their warrant in the form set out in the Schedule to the Small Tenements Recovery Act, 1838, or in a form to the like effect, order vacant possession of the dwelling-house to be given to the landlord within such period, not being less than fourteen nor more than twenty-eight days, as they may determine.

1 & 2 Vict. c. 74.

Any expenses incurred by the local authority under this subsection in securing the giving of possession of a dwelling-house to the landlord may be recovered by them from him summarily as a civil debt.

(3) For the purpose of enabling them to discharge their duties under the foregoing provisions of this Part of this Act, the local authority may serve notice on the occupier of a dwelling-house requiring him to furnish them within fourteen days with a statement in writing of the number, ages and sexes of the persons sleeping in the house, and, if the occupier makes default in complying with the requirement or furnishes a statement which to his knowledge is false in any material particular, he shall be liable on summary conviction to a fine not exceeding two pounds.

Duty of medical officers to furnish particulars of over-crowding in their districts.

11. Regulations prescribing the duties to be performed by medical officers of health of boroughs and urban and rural districts, and by medical officers of health in London, made by the Minister under section one hundred and eight of the Local Government Act, 1933, and section one hundred and eight of the Public Health (London) Act, 1891, respectively, shall include provisions for imposing on those officers a duty to furnish annually to the Minister particulars with respect to conditions in relation to overcrowding, and in particular to furnish to him particulars of any cases in which dwelling-houses in respect of which the local authority have taken steps for the abatement of overcrowding have again become overcrowded.

23 & 24 Geo. 5. c. 51. 54 & 55 Vict. c. 76.

Definitions for purposes of provisions relating to over-crowding.

12. In this section and in the foregoing provisions of this Part of this Act, and in the First Schedule to this Act, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them respectively:—

"Dwelling-house" means any premises used as a separate dwelling by members of the working classes or of a type suitable for such use;

PART I. —*cont.*

"Landlord" means the immediate landlord of an occupier and includes, in relation to an occupier of a dwelling-house who holds under a contract of employment under which the provision of the house for his occupation forms part of his remuneration, his employer, and "agent" means, in relation to the landlord of a dwelling-house, a person who collects rent in respect thereof on behalf of the landlord or is authorised by him so to do, or, in the case of a dwelling-house occupied by a person who holds as aforesaid, a person who pays remuneration to the occupier on behalf of the employer or is authorised by him so to do;

"Room" does not include any room of a type not normally used in the locality either as a living room or as a bedroom;

"Suitable alternative accommodation" means, in relation to the occupier of a dwelling-house, a dwelling-house as to which the following conditions are satisfied, that is to say—

(*a*) the house must be a house in which the occupier and his family can live without causing it to be overcrowded;

(*b*) the local authority must certify the house to be suitable to the needs of the occupier and his family as respects security of tenure and proximity to place of work and otherwise and to be suitable in relation to his means; and

(*c*) if the house belongs to the local authority, they must certify it to be suitable to the needs of the occupier and his family as respects extent of accommodation having regard to the standard specified in paragraph (ii) of section thirty-seven of the Act of 1930.

Re-development areas.

Duty of local authority to secure re-development.

13.—(1) If the local authority for any urban area (that is to say, the City of London, the rest of the administrative county of London, a county borough, a non-county borough, or an urban district) are satisfied, as a result of an inspection carried out under section one of this

PART I. —*cont.*

Act or otherwise, that their district comprises any area in which the following conditions exist, that is to say—

(*a*) that the area contains fifty or more working-class houses;

(*b*) that at least one-third of the working-class houses in the area are overcrowded, or unfit for human habitation and not capable at a reasonable expense of being rendered so fit, or so arranged as to be congested;

(*c*) that the industrial and social conditions of their district are such that the area should be used to a substantial extent for housing the working classes; and

(*d*) that it is expedient in connection with the provision of housing accommodation for the working classes that the area should be re-developed as a whole;

it shall be the duty of the local authority to cause the area to be defined on a map, and to pass a resolution declaring the area so defined to be a proposed re-development area.

(2) As soon as may be after a local authority have passed a resolution under the foregoing subsection, they shall send a copy of the resolution and of the map to the Minister, and shall publish in one or more local newspapers circulating in their district a notice stating that the resolution has been passed and naming a place within their district where a copy of the resolution and of the map may be inspected.

Re-development plan.

14.—(1) Within six months after a local authority have passed a resolution under the last foregoing section, or within such extended period as the Minister may allow, the authority shall prepare and submit to the Minister a re-development plan indicating the manner in which it is intended that the defined area should be laid out and the land therein used, whether for existing purposes or for purposes requiring the carrying out of re-development thereon, and in particular the land intended to be used for the provision of houses for the working classes, for streets and for open spaces.

(2) In the preparation of the plan the local authority shall have regard to the provisions of any planning scheme

PART I. —*cont.*

or proposed planning scheme relating to the defined area or land in the neighbourhood thereof.

(3) Before submitting the plan to the Minister the local authority shall—

(*a*) publish in one or more local newspapers circulating in their district a notice stating that the plan has been prepared and is about to be submitted to the Minister, naming a place within their district where the plan may be inspected, and specifying the time within which, and the manner in which, objections can be made; and

(*b*) serve a notice to the like effect on every owner, lessee and occupier (except tenants for a month or any period less than a month) of land in the defined area and on all statutory undertakers owning apparatus in that area.

(4) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, approve the plan, either without modification or with such modifications as he thinks fit (including, if he thinks fit, the alteration of the defined area so as to exclude land therefrom, but not so as to add land thereto), but in any other case he shall, before approving the plan, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may thereafter approve the plan with or without any such modifications as aforesaid.

(5) On receipt of notice of the Minister's approval the local authority shall publish in one or more local newspapers circulating in their district a notice stating that the re-development plan has been approved and naming a place within their district where a copy thereof may be inspected, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the plan, appeared at the public local inquiry in support of his objection.

(6) Where, after a re-development plan has been approved, it appears to the local authority that any land in the re-development area (that is to say the defined area or so much thereof as is comprised in the plan as approved) ought to be re-developed or used otherwise

PART I. —*cont.*

than as indicated in the plan, the authority shall prepare and submit to the Minister a new plan as respects that land, and the provisions of this section with respect to publication, service of notices and approval by the Minister shall have effect in relation to the new plan, with the substitution of references to the new plan and to the land comprised therein, for references to the re-development plan and to the defined area.

(7) In the following provisions of this Act references to re-development or use in accordance with a re-development plan shall be construed as references to re-development or use in accordance with a re-development plan approved under this section or, in the case of land comprised in a new plan approved under this section, in accordance with the new plan.

Purchase of land for the purposes of re-development.

15.—(1) When the Minister's approval of a re-development plan has become operative, the local authority may with the approval of the Minister purchase by agreement, or may be authorised by means of an order made and submitted to the Minister and confirmed by him in accordance with the Second Schedule to this Act to purchase compulsorily,—

(*a*) land in the re-development area; and

(*b*) any land outside that area which they may require for the purpose of providing accommodation for persons occupying premises within that area which they have purchased or agreed to purchase, or in respect of which they have submitted compulsory purchase orders.

(2) It shall be the duty of the local authority within the appropriate period specified in this subsection either to enter into agreements with the approval of the Minister for the purchase, or to make and submit to the Minister orders for the compulsory purchase, of all land in the re-development area other than land in respect of which the local authority have within that period made arrangements with other persons for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan.

The appropriate period for the purposes of this subsection shall be—

(*a*) in the case of land shown in the re-development plan as intended for the provision of houses for

the working classes, six months from the date when the Minister's approval of the re-development plan becomes operative;

(*b*) in the case of other land in the re-development area, two years from that date;

or, in either case, such extended period as the Minister may, on the application of the local authority, allow in respect of any land.

(3) Nothing in this section shall authorise the compulsory acquisition of any land which is the property of a local authority or is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking, and the obligations imposed on the local authority by the last foregoing subsection shall not apply with respect to any such land.

(4) Land purchased by a local authority under this section for the provision of houses for the working classes shall be deemed to have been acquired by them under Part III of the Act of 1925.

(5) Land purchased by a local authority under this section otherwise than for the provision of houses for the working classes may, with the consent of the Minister, be sold or leased to any person, or exchanged for other land which the local authority have power to acquire either with or without paying or receiving money for equality of exchange, subject, in the case of land in the re-development area, to conditions for securing that it shall be re-developed or used in accordance with the re-development plan.

(6) When the Minister's approval of a re-development plan has become operative and the plan comprises any land of the local authority, the provisions of this Act shall apply in relation to that land as if it had been land in the re-development area purchased by the authority under this section.

Application of certain provisions of the Acts of 1925 and of 1930 for purposes of re-development provisions.

16.—(1) The provisions of section forty-one of the Act of 1925 (which relates to costs incurred in connection with certain orders) shall have effect in relation to a re-development plan and to a new plan and to the Minister's approval of any such plan and in relation to a compulsory purchase order made under the last foregoing section, as they have effect in relation to the orders mentioned in the said section.

PART I. —*cont.*

(2) The provisions of subsections (1) and (2) of section one hundred and six of the Act of 1925 relating to entry on land purchased for the purposes of Part III of the Act of 1925 shall have effect where a local authority are authorised by an order made under the last foregoing section to purchase land compulsorily, and where a local authority have agreed to purchase land thereunder, as they have effect in the cases mentioned in those subsections respectively.

(3) The provisions of subsections (3), (4) and (5) of section eleven of the Act of 1930 (which relate to the validity and date of operation of certain orders) shall have effect in relation to the Minister's approval of a re-development plan or a new plan and in relation to a compulsory purchase order made under the last foregoing section, as if references thereto had been substituted in the said subsections for references to the orders therein mentioned, and as if for references therein to the Act of 1930 and to confirmation of the orders therein mentioned and to publication of notice thereof under that Act there had been substituted references to this Part of this Act and to the Minister's approval of a re-development plan and of a new plan and to confirmation by him of a compulsory purchase order made under the last foregoing section and to publication of notice thereof under this Act.

(4) The provisions of sections thirteen and fourteen of the Act of 1930 (which relate respectively to the extinguishment of ways, easements, &c. and to the purchase of licensed premises) shall have effect in relation to land purchased under the last foregoing section as they have effect in relation to land purchased by a local authority under Part I of that Act.

Compensation in respect of land purchased for re-development.

17.—(1) Subject to the provisions of this section, where land is purchased compulsorily under section fifteen of this Act the compensation payable in respect thereof shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, subject to the modification that in paragraph 4, for the reference to increased value given by demolition of any buildings, there shall be substituted a reference to increased value given by the proposed re-development of the area in accordance with the re-development plan.

PART I. —*cont.*

In assessing compensation the arbitrator may take into account and embody in his award any undertaking given by the local authority with respect to the time within which, and the manner in which, the re-development or any part thereof is to be carried out, and the terms of any undertaking so embodied in the award shall be binding on and enforceable against the authority.

(2) Where a local authority submit to the Minister an order for the compulsory purchase under section fifteen of this Act of land which comprises or consists of a house which in their opinion is unfit for human habitation and not capable at reasonable expense of being rendered so fit, the order as submitted shall be in a form prescribed for the purpose of indicating that the house is in that condition, and, if the Minister is of opinion that the house is properly so indicated, the order as confirmed may authorise the authority to purchase the house as being in that condition.

(3) The compensation payable in respect of a house which a local authority are authorised to purchase as being unfit for human habitation and not capable at reasonable expense of being rendered so fit shall be assessed in like manner as if it had been land comprised in a clearance area and purchased compulsorily under Part I of the Act of 1930.

Provision of accommodation for persons displaced by re-development.

18. In so far as suitable accommodation is not available for persons who will be displaced from working-class houses in the carrying out of re-development in accordance with a re-development plan, it shall be the duty of the local authority to provide, or to secure the provision of, such accommodation in advance of the displacements from time to time becoming necessary as the re-development proceeds.

Repeal of certain provisions of the Act of 1930 relating to improvement areas.

19.—(1) Subsection (1) of section seven of the Act of 1930 (which empowers a local authority to pass a resolution declaring such an area as is therein mentioned to be an improvement area) shall cease to have effect.

(2) The obligation to make and enforce byelaws, to which a local authority, who before the commencement of this Act have passed a resolution declaring an area to be an improvement area, are subject by virtue of paragraph (iii) of subsection (1) of section eight of the Act of 1930, shall cease.

PART I. —*cont.*

(3) Byelaws made by a local authority in pursuance of an obligation imposed upon them by the said paragraph (iii) and confirmed before the commencement of this Act shall, to the extent to which they would have had effect if made and confirmed under section six of the Act of 1925 after the commencement of this Act, have effect, as respects land in the improvement area, as if they had been so made and confirmed and not otherwise.

Re-conditioning of buildings.

Extension of power of local authority to acquire houses and other buildings for housing purposes.

20.—(1) With a view to facilitating the provision or improvement by local authorities of housing accommodation for the working classes by the alteration, enlargement, repair or improvement of houses or other buildings, a local authority may be authorised to acquire compulsorily, for the purposes of Part III of the Act of 1925—

(*a*) houses which are, or may be made, suitable as dwelling-houses for the working classes, together with any lands occupied with such houses; and

(*b*) other buildings which may be made suitable as dwelling-houses for the working classes, together with any lands occupied with such buildings;

and accordingly the amendments specified in the three next succeeding subsections shall be made in the said Part III.

(2) In subsection (1) of section fifty-seven of the Act of 1925 (which subsection prescribes the modes in which a local authority may provide housing accommodation for the working classes), for paragraph (*d*) there shall be substituted the following paragraph :—

"(*d*) by altering, enlarging, repairing or improving any houses or buildings which have, or an estate or interest in which has, been acquired by the local authority."

(3) In subsection (1) of section fifty-eight of the Act of 1925 (which subsection confers on a local authority power to acquire property for certain purposes), for paragraph (*b*) there shall be substituted the following paragraph :—

"(*b*) to acquire any houses or other buildings which are, or may be made, suitable as dwelling-

houses for the working classes, together with any lands occupied with such houses or other buildings, or any estate or interest in such houses or other buildings and lands."

PART I. —*cont.*

(4) Subsection (2) of the said section fifty-eight (which subsection empowers a local authority to acquire dwelling-houses suitable for the working classes by agreement but not otherwise) shall cease to have effect.

(5) Where a local authority acquire a house or other building which can be made suitable as a dwelling-house for the working classes, or an estate or interest in such a house or other building, they shall forthwith proceed to secure the alteration, enlargement, repair or improvement of the house or building, either by themselves executing any necessary works, or by leasing or selling it to some person subject to conditions for securing that he will alter, enlarge, repair or improve it.

General Provisions relating to Part I.

Local authority for purposes of Part I.

21.—(1) The local authority for the purposes of this Part of this Act shall—

(*a*) as respects the City of London, be the Common Council;

(*b*) as respects any other part of the administrative county of London, be the London County Council or the metropolitan borough council as hereinafter provided;

(*c*) elsewhere be the council of the borough or urban or rural district.

(2) For the purposes of the provisions of this Part of this Act relating to overcrowding (other than the provisions of section one of this Act relating to the submission of proposals for the provision of new houses required in order to abate overcrowding), a metropolitan borough council shall, subject as hereinafter provided, be the local authority as respects their borough to the exclusion of any other authority:

Provided that—

(*a*) the metropolitan borough council shall, instead of submitting their report under section one

PART I. —*cont.*

of this Act to the Minister, submit the report to the London County Council;

(*b*) the London County Council shall take into consideration the statements in the report as to the number of new houses required in order to abate overcrowding in the borough and shall, in the event of their not agreeing with the conclusions arrived at, consult with the metropolitan borough council thereon with a view to the amendment of the statements by agreement between the two councils;

(*c*) the London County Council shall transmit to the Minister the report of the metropolitan borough council or such report revised as hereinbefore provided as the case may require.

(3) For the purposes of the provisions of section one of this Act relating to the submission to the Minister of proposals for the provision of new houses required in order to abate overcrowding, the London County Council shall, subject as hereinafter provided, be the local authority as regards the administrative county of London other than the City of London:

Provided that—

(*a*) if a metropolitan borough council propose to provide houses themselves for the purpose of abating overcrowding, they shall, when submitting to the London County Council their report under section one of this Act, or as soon as may be thereafter, submit to the county council proposals for the provision of such houses;

(*b*) if the London County Council are of opinion that, having regard to the amount of suitable land available in the borough for the purpose of the provision of such houses, to the financial and other resources of the metropolitan borough council for such provision, or to any other relevant consideration to be stated by the county council in writing at the time, the metropolitan borough council will not be in a position to provide within a reasonable time or at a reasonable cost the number of new houses proposed by them, the county council

shall consult with the metropolitan borough council with a view to the revision of the proposals by agreement between the two councils;

(*c*) the London County Council, when submitting their proposals under section one of this Act for the county, shall transmit to the Minister copies of any proposals made by a metropolitan borough council, or such proposals as revised as hereinbefore provided, as the case may be.

(4) If any difference arises between the London County Council and a metropolitan borough council as to the number of houses to be stated in the report as required in order to abate overcrowding within the borough, or as to the provision of such houses by the metropolitan borough council, the difference shall be referred to the Minister, whose decision shall be final.

(5) For the purposes of the provisions of this Part of this Act relating to re-development areas, the London County Council shall be the local authority as regards the administrative county of London other than the City of London to the exclusion of any other authority:

Provided that, where a metropolitan borough council give notice in writing to the London County Council that in their opinion their district comprises an area (the limits of which shall be specified) which ought to be defined as a proposed re-development area, and that they intend to pass such a resolution as is mentioned in subsection (1) of section thirteen of this Act, the metropolitan borough council shall, as respects that area and subject as hereinafter provided, be the local authority for the purposes of the provisions of this Part of this Act relating to re-development areas—

(*a*) if the London County Council within two months after the date of the receipt by them of such notice do not notify the metropolitan borough council that they intend themselves to deal with the area as a re-development area or as part of a re-development area, or as a clearance area or part of a clearance area, or that they propose to acquire the area or any part thereof as a site for the erection of dwelling-houses for the working classes; or

PART I. —*cont.*

(*b*) if the London County Council notify the metropolitan borough council that they do not so intend to deal with the area or any part thereof;

so, however, that—

(i) if a metropolitan borough council who become, in pursuance of this proviso, the local authority as respects that area do not submit to the Minister a re-development plan relating to that area within a period of two years after the date on which the metropolitan borough council so became the local authority, or such further period as may be approved by the Minister; or

(ii) if the Minister decides that the area is not a suitable one to be dealt with by the metropolitan borough council;

the metropolitan borough council shall cease to be, and the London County Council shall be, the local authority as aforesaid as respects that area without prejudice to the right of the metropolitan borough council to give a further notice under this proviso to the London County Council.

Contributions by London County Council to expenses of inspection, &c. and arrangements between authorities in London.

22.—(1) The London County Council shall, as respects the period from the sixteenth day of May, nineteen hundred and thirty-four, to the thirty-first day of March, nineteen hundred and forty-one, and may, as respects any period subsequent to the last-mentioned date, pay to a metropolitan borough council a sum equal to one-half of the expenses incurred by the last-mentioned council in the remuneration of any person specifically employed by that council for the purpose of rendering clerical or other assistance to a sanitary inspector in connection with—

(*a*) any inspection of the borough made by the metropolitan borough council with a view to ascertaining what dwelling-houses therein are overcrowded, and the preparation of the report thereon; and

(*b*) the enforcement of the provisions of this Part of this Act relating to overcrowding:

Provided that the London County Council shall not be required to pay any sum to a metropolitan borough council under this subsection unless the following con-

ditions are satisfied in relation to that council, that is to say—

(i) as respects any period before the passing of this Act, the amount of the expenses so incurred must be approved by the London County Council;

(ii) as respects any period after the passing of this Act, the metropolitan borough council must obtain the prior approval of the London County Council to the number of persons to be so employed and their rate of remuneration;

(iii) the metropolitan borough council must comply with such reasonable conditions as the London County Council may think fit to impose as to the rate of progress to be made with respect to the inspection of the borough, and as to the arrangements to be made for the carrying out by the metropolitan borough council of their duties in relation to overcrowding; and

(iv) the metropolitan borough council must submit to the London County Council at the end of each year information as to the steps taken in connection with, and as to the result of, the enforcement of the provisions relating to overcrowding in the borough, together with a copy of any particulars furnished to the Minister in pursuance of section eleven of this Act.

(2) The London County Council and the Common Council of the City of London or a metropolitan borough council may, at any time, enter into an agreement for the exercise by one of the parties to the agreement of any powers conferred under this Part of this Act on the other party thereto, or with respect to any action to be taken under this Part of this Act, or any action in connection with the provision of new houses to abate overcrowding, and with respect to the making of contributions by one of those councils towards the expenses incurred by the other of them in such exercise of powers or in such action as the case may be.

Borrowing power for purposes of Part I.

23. Section eighty-four of the Act of 1925 (which confers on local authorities power to borrow for certain purposes) shall have effect as if the purposes of this Part of this Act had been included amongst the purposes specified in subsection (1) of that section.

PART II.

CENTRAL HOUSING ADVISORY COMMITTEE AND MANAGEMENT COMMISSIONS AND PROVISIONS AS TO HOUSING ASSOCIATIONS AND OTHER BODIES.

Advisory Committee and Management Commissions.

Central Housing Advisory Committee.

24.—(1) The Minister shall appoint a committee, to be called the Central Housing Advisory Committee, for the purpose of—

(*a*) advising the Minister on any matter, relating to a temporary increase of the permitted number of persons in relation to overcrowding, as respects which he is required by section four of this Act to consult the Committee;

(*b*) advising Housing Management Commissions constituted under the next succeeding section on any matter as respects which such Commissions are required to consult the Committee;

(*c*) advising the Minister on any question which may be referred by him to the Committee with respect to any other matter arising in connection with the execution of the enactments relating to housing;

(*d*) considering the operation of the enactments relating to housing and making to the Minister such representations with respect to matters of general concern arising in connection with the execution of those enactments as the Committee think desirable.

(2) The Minister may by order make provision with respect to the constitution and procedure of the Committee, and any such order may be varied by a subsequent order.

(3) The Minister may, out of moneys provided by Parliament, pay such expenses of the Committee as he may, with the approval of the Treasury, determine.

Power to establish Housing Management Commissions.

25.—(1) Where it appears to a local authority to be expedient that a Housing Management Commission should be established with a view to the transfer to and the performance by the Commission of all or any of the functions of the authority under the enactments relating to housing with respect to the management, regulation and

control, and the repair and maintenance, of working-class houses and other buildings or land provided in connection with such houses, the authority shall prepare and submit to the Minister a scheme making provision for the establishment of the Commission, and for the incorporation thereof, under the name of the Housing Management Commission with the addition of the name of the district of the local authority, with perpetual succession and a common seal, and power to hold land for the purposes of their constitution without licence in mortmain.

(2) A scheme submitted as aforesaid may make provision with respect to the constitution, procedure and functions of the Commission and in particular, but without prejudice to the generality of the foregoing words, may make provision—

(*a*) as to the mode of appointment and term of office of the members of the Commission;

(*b*) as to the payment of remuneration out of funds under the control of the Commission to the Chairman of the Commission, where he is not a member of the local authority or of any committee or sub-committee of the local authority or a representative of the local authority on a joint committee appointed by agreement between them and another body;

(*c*) as to the employment by the Commission of officers and staff and the remuneration out of funds under the control of the Commission and the superannuation of persons so employed;

(*d*) as to the financial relations between the local authority and the Commission;

(*e*) for conferring on the local authority power to defray temporarily on behalf of the Commission any of their expenses;

(*f*) for making the accounts of the Commission subject to audit by a district auditor or otherwise;

(*g*) for determining what property is to be vested in the Commission, and for what estate or interest, and whether by way of transfer of the estate or interest of the local authority or of the creation of a lesser estate or interest or otherwise, and

PART II. —*cont.*

the manner in which that vesting is to be effected, and as to the re-vesting of property in the local authority in the event of the dissolution of the Commission or in other circumstances; and

(*h*) for imposing on the Commission the duty to consult the Central Housing Advisory Committee as respects any matter specified in the scheme.

(3) The provisions of section one hundred and fifty of, and the Fourth Schedule to, the Local Government Act, 1933 (which relate to the transfer and compensation of officers of a local authority affected by a scheme or order under Part VI of that Act), shall have effect in relation to a scheme submitted under this section as they have effect in relation to a scheme or order under the said Part VI, and as if references therein to a local authority included references to the Commission.

(4) A scheme submitted under this section may provide for the application with necessary modifications of the enactments (including schemes) governing the superannuation of persons employed by the local authority for the purposes of the superannuation of persons employed by the Commission as if they had been persons employed by the local authority and as if employment by the Commission had been employment by the local authority.

(5) The Minister may approve a scheme submitted to him under this section with or without modifications, and any such scheme when approved by the Minister shall have effect as from such date as may be specified therein and may be amended by a further scheme submitted by the local authority and approved by the Minister.

(6) Unless the scheme makes provision for making the accounts of the Commission subject to audit by a district auditor, no person shall be qualified to be appointed as auditor of those accounts unless he is a member of one or more of the following bodies, namely :—

The Institute of Chartered Accountants in England and Wales;

The Society of Incorporated Accountants and Auditors;

PART II. —*cont.*

The Society of Accountants in Edinburgh;

The Institute of Accountants and Actuaries in Glasgow;

The Society of Accountants in Aberdeen;

The London Association of Certified Accountants, Limited;

The Corporation of Accountants, Limited.

Housing Associations.

Definition of housing association.

26. For references in the Act of 1925 and in the Act of 1930 to a public utility society there shall be substituted references to a "housing association," that is to say any society, body of trustees or company established for the purpose of, or amongst whose objects or powers are included those of, constructing, improving or managing, or facilitating or encouraging the construction or improvement of, houses for the working classes, being a society, company or body of trustees who do not trade for profit or whose constitution or rules prohibit the issue of any capital with interest or dividend exceeding the rate for the time being prescribed by the Treasury, whether with or without differentiation as between share and loan capital.

Power of local authorities to make arrangements with housing associations.

27.—(1) A local authority may with the approval of the Minister make arrangements with a housing association for the purpose of enabling the association to—

(*a*) provide housing accommodation for persons of the working classes displaced by action taken by the local authority under Part I or Part II of the Act of 1930 for dealing with clearance areas or for the demolition of insanitary houses or for the closing of parts of buildings;

(*b*) provide housing accommodation rendered necessary by displacements occasioned by action taken by the local authority under Part I of this Act;

(*c*) provide housing accommodation for persons of the working classes for the purpose of the abatement of overcrowding;

PART II. —*cont.*

(*d*) alter, enlarge, repair or improve houses or buildings which, or an estate or interest in which, the local authority have acquired with a view to the provision or improvement of housing accommodation for persons of the working classes.

(2) Arrangements made under this section shall include such terms with regard to such matters, including the types of houses to be provided, and the rents at which the houses provided are to be let, as may appear to the local authority to be expedient in view of the needs of their district in relation to the housing of the working classes and may be approved by the Minister.

(3) The like contribution, if any, shall be payable out of moneys provided by Parliament in respect of a house provided by a housing association under arrangements made under this section as would be payable if the house had been provided by the local authority, and shall be paid by the Minister to the authority, who shall pay to the association by way of annual grant an amount not less than the contribution:

Provided that, if the Minister is satisfied that the association have made default in giving effect to the terms of any arrangements made between them and the local authority under this section, he may reduce the amount of any contribution payable to the authority under this subsection in respect of houses provided by the association, or suspend or discontinue the payment of any such contribution, as he thinks just.

(4) If the Minister reduces, or suspends, or discontinues the payment of, a contribution payable by him under the last foregoing subsection, the local authority may reduce to a proportionate or any less extent the annual grant payable by them to the association, or may suspend the payment thereof for a corresponding period, or may discontinue the payment thereof, as the case may be.

(5) If a housing association represent to the Minister that they have submitted to the local authority proposals for arrangements under this section and that the local authority have unreasonably refused to make arrangements in accordance with the proposals, the Minister may require the authority to furnish him with

a report as to the matter stating the reasons for their refusal. PART II. —*cont.*

(6) Section twenty-nine of the Act of 1930 (which empowers a local authority to make arrangements for the provision of houses by public utility societies and other bodies) shall cease to have effect, but this repeal shall not affect any liability under any undertaking given before the commencement of this Act.

Unification of conditions affecting housing associations' houses.

28. Where the Minister has undertaken to make in respect of any houses under the management of a housing association contributions under more than one enactment and the association are required to observe in the management of the houses varying special conditions or terms imposed by those enactments, the Minister may, on the application of the association and after consultation with any local authority who are under obligation to make grants or contributions in respect of any of the houses, make a scheme specifying, as conditions to be observed in the management of all the houses in substitution for the conditions or terms imposed as aforesaid, such conditions as he thinks fit, and in specifying the conditions to be so observed the Minister shall have regard to the provisions of Part IV of this Act with respect to the conditions which a local authority are required to observe in relation to their houses.

Amendments of the Act of 1925 as to housing associations.

29.—(1) The powers of promoting the formation or extension of, or assisting, public utility societies conferred on local authorities and county councils by section seventy of the Act of 1925 shall extend to promoting the formation or extension of, or assisting, any housing association.

(2) In paragraph (*c*) of subsection (3) of section seventy of the Act of 1925 (which paragraph confers on certain authorities power to guarantee certain obligations of public utility societies), for the words "the "payment of interest on money borrowed by the society, "or of any share or loan capital issued by the society," there shall be substituted the words "the payment of "the principal of and interest on any money borrowed "by the association (including money borrowed by an "issue of loan capital) or of interest on any share capital "issued by the association."

PART II. —*cont.*

(3) In section ninety of the Act of 1925 the following subsection shall be inserted after subsection (2):

"(2A) An advance for any of the purposes specified in subsection (1) of this section shall be secured with interest thereon by mortgage of the land and dwelling-houses in respect of which that purpose is to be carried out, and of such other land and dwelling-houses (being houses which have been constructed or made suitable for the working classes by the company, society, association or person receiving the advance), if any, as may be offered as security for the advance."

(4) In the said section ninety the following subsection shall be substituted for subsection (5):

"(5) The proportion of such value as aforesaid authorised for the purpose of the advance shall be three-fourths:

Provided that—

(*a*) if the advance is to be made to a housing association within the meaning of the Housing Act, 1935, and payment of the principal of, and interest on, the advance is guaranteed by a local authority for the purposes of Part III of this Act, or by a county council, the said proportion shall be nine-tenths;

(*b*) in any other case, if the advance exceeds two-thirds of such value as aforesaid, the Public Works Loan Commissioners shall require, in addition to such a mortgage as is mentioned in subsection (2A) of this section, such further security as they may think fit."

Power of Minister to recognise central housing association.

30.—(1) If a central association or other body has at the date of the commencement of this Act been established, or is thereafter established, for the purpose of promoting the formation and extension of housing associations and of giving them advice and assistance, the Minister may, if he thinks fit, recognise such association or body for the purpose of this section.

PART II. —*cont.*

(2) The Minister may, in any of the five years next following the date on which he recognises the said central association or body, make out of moneys provided by Parliament a grant in aid of the expenses thereof of such amount as he may with the approval of the Treasury determine.

PART III.

FINANCIAL PROVISIONS.

Contributions towards expenses of accommodation provided for the purposes of Part I.

Exchequer contributions towards provision of flats on sites of high value.

31.—(1) The Minister shall, subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a local authority in providing for the working classes housing accommodation which is either—

(*a*) required for the purpose of the abatement of overcrowding, or

(*b*) rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan,

in so far as such accommodation is provided with the approval of the Minister in blocks of flats on sites the cost of which as developed (ascertained in accordance with the provisions of the Third Schedule to this Act) exceeds one thousand five hundred pounds per acre, being blocks of flats the erection of which has been, or is, begun on or after the first day of February, nineteen hundred and thirty-five.

(2) A contribution under this section shall be the appropriate sum as defined in the Third Schedule to this Act, payable annually for a period of forty years, in respect of each flat which is with the approval of the Minister provided for the purposes of such accommodation as aforesaid in such a block as aforesaid.

Exchequer contributions towards provision of accommodation otherwise than in flats on sites of high value.

32.—(1) Where a local authority propose to provide the whole or part of such housing accommodation as is mentioned in the last foregoing section in new houses, or in new flats not being such as to render a contribution payable under the last foregoing section, then, if the Minister is satisfied that, having regard to the amount of the expenditure already incurred or to be incurred by the authority under the enactments relating

PART III. —*cont.*

to housing in relation to the financial resources of the district, the provision of such accommodation would impose an undue burden on the district, by reason either—

(*a*) of the amount of the rents which it will be practicable for the authority to charge for the accommodation having regard to the conditions which the authority are required by Part IV of this Act to observe; or

(*b*) of the necessity for providing an unusually high proportion of accommodation for large families;

he may, with the approval of the Treasury and subject to the provisions of this Part of this Act, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by the local authority in providing such accommodation with his approval in new houses or flats.

(2) A contribution under this section shall be of such amount, not exceeding five pounds, payable annually for such period, not exceeding twenty years, as the Minister considers necessary, in respect of each such house or flat provided with his approval.

Exchequer contributions towards expenses of housing members of the agricultural population.

33.—(1) The Minister may, subject to the provisions of this Part of this Act and on the recommendation of a committee (hereinafter referred to as the Rural Housing Committee) appointed by him with the approval of the Treasury for the purposes of this section, undertake to make, and make, contributions out of moneys provided by Parliament towards any expenses incurred by a rural district council in providing with the approval of the Minister new housing accommodation required for members of the agricultural population for the purpose of the abatement of overcrowding in the rural district.

(2) A contribution under this section shall be of such amount, not being less than two pounds nor more than eight pounds, as the Minister may determine, payable annually for a period of forty years, in respect of each new house provided with his approval.

(3) In considering applications the Rural Housing Committee shall be guided by any general directions which may be given to them by the Minister, with the approval of the Treasury, for the purposes of this section.

PART III. —*cont.*

Local authorities' contributions towards expenses of accommodation provided for the purposes of Part I.

34.—(1) A local authority to whom the Minister has undertaken to make a contribution under the foregoing provisions of this Part of this Act in respect of any house shall make a contribution out of the general rate fund in respect thereof in accordance with the provisions of the next succeeding subsection.

(2) A contribution under the foregoing subsection shall be provided by equal annual instalments during a period of sixty years from the date of the completion of the house, and shall be of such amount as to be equivalent, when so provided, to the appropriate one of the following sums, namely :—

(*a*) in the case of a flat in respect of which a contribution is to be made by the Minister under section thirty-one of this Act, a sum equal to one half of the amount of the Minister's contribution provided annually for a period of forty years;

(*b*) in the case of a house or flat in respect of which a contribution is to be made by the Minister under section thirty-two of this Act, a sum equal to one half of the amount of the Minister's contribution provided annually for the period for which the Minister's contribution is payable;

(*c*) in the case of a house provided for members of the agricultural population in respect of which a contribution is to be made by the Minister under section thirty-three of this Act, a sum of one pound provided annually for a period of forty years:

Provided that, where the local authority are of opinion that the contribution should be provided by annual instalments during a period of less than sixty years, the Minister may on their application direct that this subsection shall have effect in relation to the contribution as if there had been substituted therein, for the reference to a period of sixty years, a reference to such period, not being less than that for which the Minister's contribution is payable, as he may think proper.

(3) Subject to the provisions of this Part of this Act, the county council shall, in respect of each house towards the cost of which the Minister has undertaken to make

PART III. —*cont.*

a contribution under section thirty-three of this Act, make to the district council by whom the house is provided, during the period of forty years next following the completion of the house, an annual contribution of one pound.

Exchequer contributions in case of displacements from unfit houses in re-development area.

35.—(1) In respect of expenses incurred by a local authority in providing with the approval of the Minister accommodation rendered necessary by displacements, occurring in the carrying out of re-development in accordance with a re-development plan, from houses which are unfit for human habitation and not capable at reasonable expense of being rendered so fit, and in maintaining accommodation so provided, contributions out of moneys provided by Parliament shall be made under section twenty-six of the Act of 1930, in like manner as if those expenses had been expenses incurred in connection with the provision and maintenance of housing accommodation rendered necessary by action taken by the local authority under the Act of 1930 for one of the purposes mentioned in subsection (1) of the said section twenty-six.

(2) No contribution shall be made under section thirty-one, thirty-two or thirty-three of this Act towards any expenses in respect of which the Minister is required to make contributions by virtue of the said section twenty-six as originally enacted or as extended by this section.

Review of Exchequer contributions under certain enactments.

Review of Exchequer contributions in case of new houses provided at future times.

36.—(1) In the year nineteen hundred and thirty-seven, after the first day of October in that year, and in each third succeeding year, after the first day of October in that year, the Minister shall take into consideration, in connection with contributions which he is required or authorised to make under each of the following sections, that is to say, section twenty-six of the Act of 1930, and sections thirty-one, thirty-two and thirty-three of this Act, the amount of expenses, towards which contributions would be payable by him under that section, likely to be incurred in the period of three years from the first day of April then next following, and the amount of such expenses incurred in connection with operations already carried out.

PART III. —*cont.*

(2) As soon as may be after considering the matters aforesaid in any year, the Minister shall prepare with the approval of the Treasury, and lay before the Commons House of Parliament, a draft of an order providing, in relation to contributions under each of the said sections, either—

(*a*) for the cesser of his obligation or power to undertake to make, or to make, contributions under that section, in the case of new houses which have not been rendered available until after a date to be specified in the order; or

(*b*) for the continuance thereof without alteration; or

(*c*) for the alteration of the amount of the contributions in the case aforesaid, or of the period for which they are to be payable, or of both;

and, if a resolution approving the draft is passed by that House within one month from the date on which the draft is laid, the Minister shall make an order in the terms of the draft, but in any other event he shall, as soon as may be after the expiration of that period, prepare and lay a new draft, and the foregoing provisions of this subsection shall have effect in relation to any new draft as they have effect in relation to an original draft.

(3) The date to be specified in an order made under this section shall—

(*a*) in the case of an order made in consequence of the consideration of the matters aforesaid in the year nineteen hundred and thirty-seven, be the thirty-first day of March nineteen hundred and thirty-eight; and

(*b*) in the case of an order made in consequence of the consideration of the matters aforesaid in any subsequent year, not be earlier than the expiration of six months from the date on which the draft of the order is laid before the Commons House.

(4) An order made under this section shall not provide for the alteration of the amount of any contributions, or of the period for which any contributions are to be payable, so as to be in excess of the amount or period fixed by the section under which they are required or authorised to be made.

PART III. —*cont.*

(5) When taking into consideration the matters aforesaid, the Minister shall consult with such associations of local authorities as appear to him to be concerned and with any local authority with whom consultation appears to him to be desirable.

(6) An order under this section may make such consequential provision for the cesser of the obligation of a local authority to make contributions, or such consequential alterations of the amount or duration of contributions to be made by a local authority, as appear to him to be necessary for the purpose of adjusting them to the cesser of Exchequer contributions or to alterations of the amount or duration of Exchequer contributions.

(7) Section twenty-eight of the Act of 1930 shall cease to have effect.

Housing (Rural Workers) Acts (Financial Provisions).

Amendments of 16 & 17 Geo. 5. c. 56. 21 & 22 Geo. 5. c. 22.

37.—(1) Subsection (2) of section two of the Housing (Rural Workers) Act, 1926, (which relates to the power of local authorities to make grants or loans under the said Act), as amended by the Housing (Rural Workers) Amendment Act, 1931, shall have effect as if the twenty-fourth day of June, nineteen hundred and thirty-eight, were therein substituted for the first day of October, nineteen hundred and thirty-six, and section four of the said Act (which relates to Government contributions to expenses of local authorities under the said Act) shall have effect accordingly.

(2) Subject to the provisions of any amending scheme made by a local authority with the approval of the Minister, any reference in a scheme under the said Act to any date in the year nineteen hundred and thirty-one, or in the year nineteen hundred and thirty-six, shall be construed as a reference to the twenty-fourth day of June nineteen hundred and thirty-eight.

(3) In subsection (5) of section two of the Housing (Rural Workers) Act, 1926, in paragraph (*a*) (which provides that a loan under the said section, together with interest thereon at the prescribed rate, shall be secured by a mortgage of the dwelling in respect of which the loan is made), there shall be substituted for the words " at the prescribed rate " the words " at a rate one quarter

PART III. —*cont.*

per cent. in excess of the rate of interest which, one month before the date on which the terms of the loan are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Housing Act, 1925."

60 & 61 Vict. c. 51.

(4) For the purposes of subsection (1) of section three of the Housing (Rural Workers) Act, 1926 (which section relates to the conditions attaching to dwellings in respect of which assistance has been given under that Act by way of grant) the rate per cent. by reference to which, under paragraph (*b*) of the said subsection (1), the rent payable in respect of a dwelling is to be calculated, shall, instead of being three per cent., be four per cent.:

Provided that nothing in this subsection shall affect the rent payable in respect of a dwelling if the works in respect of which assistance was given were completed before the first day of January nineteen hundred and thirty-five.

Assistance to local authorities in respect of housing of rural workers.

38.—(1) It is hereby declared that the like assistance may be given under the Housing (Rural Workers) Acts, 1926 and 1931, on the application of a local authority not being the local authority for the purposes of those Acts, as may be given thereunder on the application of a person not being a local authority.

(2) In section four of the Housing (Rural Workers) Act, 1926 (which relates to Government contributions towards expenses of a local authority for the purposes of that Act in making grants thereunder) the following subsection shall be inserted after subsection (2):—

"(2A) Where a local authority propose themselves to execute works in respect of which, if executed by another person, they might have made grants under this Act, and the authority make application in that behalf to the Minister, and furnish him with such particulars of the proposed works as he may require, the Minister may make or undertake to make the like contributions as he might have made under the foregoing subsections if the authority had made to another person in respect of the works the maximum grant permissible under this Act.

PART III. —*cont.*

The provisions of section three of this Act (other than provisions relating to the giving of certificates, or the repayment of grants, to the authority) shall, subject to the provisions of Part IV of the Housing Act, 1935, have effect in relation to dwellings in respect of which a contribution is made under this subsection as if a grant had been made under this Act equal to twice the capital value of the contribution."

Local authorities' contributions in respect of housing of rural workers.

39. A local authority for the purposes of Part III of the Act of 1925, to whom the Minister has undertaken to make a contribution under the subsection which by the last foregoing section of this Act is directed to be inserted in section four of the Housing (Rural Workers) Act, 1926, shall make out of the general rate fund a contribution of the like amount and payable for the like period as the Minister's contribution.

Consolidation of Housing Accounts.

Enactments under which Exchequer contributions are payable and modification of certain of those enactments.

40.—(1) In this Part of this Act and in the Third and Fourth Schedules to this Act the expression "Exchequer contribution" means a contribution which the Minister is required or authorised to make to a local authority out of moneys provided by Parliament under any of the enactments specified in Part I of the Fourth Schedule to this Act.

(2) The provisions of Part II of the Fourth Schedule to this Act shall, as from the first day of April, nineteen hundred and thirty-five, have effect for the purpose of the determination of the amount of—

9 & 10 Geo. 5. c. 35.

(*a*) Exchequer contributions payable under section seven of the Act of 1919, other than contributions in respect of schemes for the provision of houses for persons in the employment of, or paid by, a county council, or a statutory committee thereof; and

13 & 14 Geo. 5. c. 24.

(*b*) Exchequer contributions payable under subsection (3) of section one of the Act of 1923.

Any increase attributable to the passing of this subsection in the sum payable out of moneys provided by Parliament by virtue of section seven of the Act of 1919 and of the regulations made thereunder, or in the sum

PART III. —*cont.*

payable out of moneys so provided by virtue of subsection (3) of section one of the Act of 1923, shall be defrayed out of moneys so provided.

Local authorities' contributions.

41. It shall be a condition of the right of a local authority to receive any Exchequer contribution that the authority shall, as from the first day of April, nineteen hundred and thirty-five, make out of the general rate fund the contributions referred to in Part III of the Fourth Schedule to this Act.

Obligation to keep Housing Revenue Account.

42. Subject to the provisions of this section every local authority for the purposes of Part III of the Act of 1925 shall, as from the first day of April, nineteen hundred and thirty-five, keep an account (to be called the Housing Revenue Account) of the income and expenditure of the authority in respect of—

(*a*) all dwelling-houses and other buildings which have been provided by a local authority at any time after the sixth day of February, nineteen hundred and nineteen, under Part III of the Act of 1925, or under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act;

(*b*) all land which at any time after the said date a local authority have acquired or appropriated for the purposes of Part III of the Act of 1925, or of any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or are deemed to have acquired under the said Part III by virtue of subsection (4) of section fifteen of this Act;

(*c*) all dwellings in respect of which either—

(i) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or

(ii) the Minister has undertaken to pay a contribution to the authority under the subsection which by section thirty-eight of this Act is directed to be inserted in section four of the Housing (Rural Workers) Act, 1926; and

(*d*) such other working-class houses as the authority with the consent of the Minister may from time to time determine.

PART III. —*cont.*

Credits and debits in Housing Revenue Account.

43.—(1) In the financial year beginning on the first day of April nineteen hundred and thirty-five and in each subsequent financial year a local authority who are required to keep a Housing Revenue Account shall carry to the credit of the account amounts equal to—

(*a*) the income of the authority for that year from rents (exclusive of any amounts included therein in respect of rates or water charges) in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;

(*b*) the Exchequer contributions, if any, payable to the authority for that year;

(*c*) the contributions, if any, payable to the authority by the county council under section thirty-four of the Act of 1930, or under subsection (3) of section thirty-four of this Act, for that year;

(*d*) the sums, if any, payable to the authority for that year by way of assistance under section one of the Housing (Rural Workers) Act, 1926; and

(*e*) the authority's contributions out of the general rate fund referred to in Part III of the Fourth Schedule to this Act for that year;

and shall debit to the account amounts equal to—

(i) the loan charges which the local authority are liable to pay for that year in respect of moneys borrowed by a local authority for the purpose of the provision by them after the sixth day of February, nineteen hundred and nineteen, of housing accommodation for the working classes under Part III of the Act of 1925, or under any enactment relating to the provision of housing accommodation for the working classes repealed by that Act, or for the purpose of the execution of works in respect of which the Minister has undertaken to make such an Exchequer contribution under the Housing (Rural Workers) Act, 1926, as is mentioned in the last foregoing section, or in respect of which the local authority for the purposes of that Act have given assistance thereunder;

PART III. —*cont.*

(ii) rents, taxes and other charges (except rates and water charges) which the authority are liable to pay for that year in respect of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;

(iii) the expenditure of the authority for that year in respect of the supervision and management of such dwelling-houses, buildings, land and dwellings as are mentioned in the last foregoing section;

(iv) the contribution, if any, required to be made by the authority for that year to a Housing Repairs Account kept in accordance with the subsequent provisions of this Part of this Act; and

(v) the contribution, if any, required to be made by the authority for that year to a Housing Equalisation Account kept in accordance with the subsequent provisions of this Part of this Act.

(2) Where any functions of the authority in respect of any such dwelling-houses, buildings, land or dwellings as are mentioned in the last foregoing section are being exercised for the time being by a Housing Management Commission, the provisions of the foregoing subsection shall have effect in relation thereto subject to such modifications as the Minister may direct.

(3) Where any such dwelling-house, building, land or dwelling as is mentioned in the last foregoing section has been sold or otherwise disposed of, whether before or after the commencement of this Act, an amount equal to any income of the authority arising from the investment or other use of capital money received by the authority in respect of the transaction shall, unless the Minister otherwise directs as respects the whole or any part of such income, be carried to the credit of the Housing Revenue Account in like manner as if it had been income from rents.

(4) An amount equal to any income of the authority arising from an investment or other use of borrowed moneys in respect of which the authority are required to debit loan charges to the Housing Revenue Account

PART III. —*cont.*

shall be carried to the credit of that Account in like manner as if it had been income from rents, and where a local authority for the purposes of Part III of the Act of 1925, not being an authority who are required by virtue of the last foregoing section to keep a Housing Revenue Account, are entitled to any such income, they shall by virtue of this subsection be required to keep such an account.

(5) Where it appears to the Minister that amounts in respect of any incomings or outgoings other than as aforesaid ought properly to be credited or debited to a Housing Revenue Account, or that amounts in respect of any of the incomings and outgoings aforesaid which ought properly to have been credited or debited thereto have not been so credited or debited, or that any amounts have been improperly credited or debited to that account, he may give directions for the appropriate credits or debits to be made, or for the rectification of the account, as the case may require.

Disposal of balances in Housing Revenue Account.

44.—(1) Subject to the provisions of subsection (2) of this section, at the end of each financial year any surplus shown in a Housing Revenue Account shall, subject to application, if the local authority so determine, in making good to the general rate fund account any additional contributions credited to the Housing Revenue Account in any of the four last preceding financial years, be carried forward in the Account to the next financial year.

(2) Any surplus shown on the thirty-first day of March in the year nineteen hundred and forty, or any fifth succeeding year, and not required for application as aforesaid, may, as the local authority with the consent of the Minister may determine, be applied, in whole or in part, in either of the following ways or partly in one of those ways and partly in the other, that is to say,—

(*a*) by transferring it to the Housing Repairs Account; or

(*b*) by carrying it forward in the Housing Revenue Account to the next financial year;

and, in so far as not so applied, shall be divided into two parts, in proportion to the amount credited to the Housing Revenue Account under the last foregoing

section, during the period of five years ending on the date on which the surplus is shown, in respect of Exchequer contributions on the one hand, and the amount so credited in respect of the contributions specified in Part III of the Fourth Schedule to this Act, less any amounts made good to the general rate fund account under subsection (1) of this section, on the other hand, and an amount equal to the first of those parts shall be paid to the Minister and an amount equal to the other part shall be credited to the general rate fund account.

Housing Repairs Account.

45.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising so far as practicable the annual charge to their revenue in respect of the repair and maintenance of dwelling-houses, buildings and dwellings in respect of which that account is to be kept, keep an account (to be called "the Housing Repairs Account") and shall, in the financial year beginning on the first day of April, nineteen hundred and thirty-five, and in each subsequent financial year, carry to the credit of that account from the Housing Revenue Account in respect of each dwelling-house, building and dwelling such amount as they may think proper, not being less than an amount equal to fifteen per cent. of the annual rent (exclusive of any amount included therein in respect of rates or water charges), and such amount, if any, as may be necessary to make good any deficit shown in the Housing Repairs Account at the end of the last preceding financial year.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping a repairs fund or a repairs account in respect of any of the dwelling-houses, buildings or dwellings in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Repairs Account any moneys in, or standing to the credit of, that other fund or account in respect thereof and, if that other fund or account relates only thereto, shall close it.

(3) Subject to the provisions of this Part of this Act, moneys standing to the credit of the Housing Repairs Account shall be applied only in meeting expenses incurred in respect of the repair and maintenance of the

PART III. —*cont.*

dwelling-houses, buildings and dwellings in respect of which the Housing Revenue Account is to be kept.

(4) If at any time it appears to the Minister, after consultation with the local authority, that the moneys standing to the credit of a Housing Repairs Account are more than sufficient for the purposes for which the account is to be kept, or that it is no longer necessary for the account to be kept, he may give such directions as he thinks proper for the reduction of the amounts to be credited to the account or the suspension of the carrying of credits thereto, or for the closing of the account and the application of any moneys standing to the credit thereof, as the case may be.

Housing Equalisation Account.

46.—(1) Subject to the provisions of this section, every local authority who are required to keep a Housing Revenue Account shall, for the purpose of equalising the income of the Housing Revenue Account derived from Exchequer contributions and contributions from other local authorities over any period during which loan charges required to be debited to that account will be payable, keep an account (to be called the " Housing Equalisation Account ") and shall carry to the credit of that account from the Housing Revenue Account such sums, and shall apply an amount equal to the sums so credited in such manner, as may be prescribed.

(2) If the local authority are, at the commencement of this Act, maintaining or keeping an equalisation fund or an equalisation account in respect of any matters in respect of which the Housing Revenue Account is to be kept, they shall carry to the credit of the Housing Equalisation Account any moneys in, or standing to the credit of that other fund or account in respect of those matters and, if that other fund or account relates only to those matters, shall close it.

(3) If the local authority satisfy the Minister that it is not necessary for them to open a Housing Equalisation Account or, after they have opened such an account, that it is no longer necessary for the account to be kept open, he may give such directions as he thinks proper for relieving the authority from the duty to keep such an account, or for the closing of the account and for the application of any moneys standing to the credit thereof, as the case may be.

PART III. —*cont.*

Temporary application of moneys in housing accounts.

47.—(1) An amount equal to any moneys standing to the credit of the Housing Repairs Account or the Housing Equalisation Account of a local authority, and not for the time being required for the purposes for which they will ultimately be applicable, may be used by the authority for the purpose of any statutory borrowing power possessed by them subject to the conditions specified in subsection (2) of this section, and so far as not so used shall be invested temporarily in statutory securities (other than securities created by the authority), and an amount equal to any income arising from such investment shall be credited to the Account.

(2) The conditions subject to which moneys may be used as mentioned in subsection (1) of this section shall be the following, that is to say,—

(*a*) the moneys so used shall be repaid to the Account out of the general rate fund within the period, and by the methods, within and by which a loan raised under the statutory borrowing power would be repayable:

Provided that the authority shall repay to the Account the moneys so used or the balance thereof for the time being outstanding, as the case may be, as and when required for the purposes of the Account, and may make such repayment at any time within the period aforesaid, and in either case the repayment shall be made out of the general rate fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power;

(*b*) in the accounts of the general rate fund an amount equal to interest (calculated at such rate as may be determined by the authority to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power) on any moneys so used and for the time being not repaid shall be credited to the Account and debited to the undertaking or purpose with reference to which the moneys are so used;

(*c*) the statutory borrowing power shall be deemed to be exercised by such use as fully in all respects

PART III. —*cont.*

as if a loan of the same amount had been raised in exercise of the power, and the provisions of any enactment as to the re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Time and manner of payment of Exchequer contributions.

48. Contributions to be made by the Minister to a local authority under any enactment in the Housing Acts, 1919 to 1931, or in this Act shall be payable at such times and in such manner as the Treasury may direct and subject to such conditions as to records, certificates, audit or otherwise as the Minister may, with the approval of the Treasury, impose.

Power to withhold contributions in event of default.

49.—(1) If at any time the Minister is satisfied that a local authority have either—

(*a*) failed to discharge any of the duties imposed on them by virtue of the Housing Acts, 1919 to 1931, or this Act; or

(*b*) failed to observe any condition subject to which they are entitled to receive an Exchequer contribution;

the Minister may reduce the amount of any Exchequer contribution payable to the authority, or suspend or discontinue the payment of any such contribution, as he thinks just.

(2) If the Minister reduces, or suspends or discontinues the payment of, any Exchequer contribution on the ground that the local authority have failed to discharge a duty imposed upon them by Part IV of this Act to reserve accommodation for members of the agricultural population or other persons, the county council shall not be under any liability to make any contribution under section thirty-four of the Act of 1930, or under subsection (3) of section thirty-four of this Act, in respect of any year in respect of which the Exchequer contribution is not paid in full.

Modification of financial provisions as to London.

50.—(1) This Part of this Act and Parts II and III of the Fourth Schedule to this Act shall, in the application thereof to the administrative county of London, have effect subject to the modifications specified in Part IV of the Fourth Schedule to this Act, and the provisions in that behalf contained in the said Part IV shall have

PART III. —*cont.*

effect with respect to the determination of the amount of Exchequer contributions payable to the London County Council in respect of schemes to which section seven of the Act of 1919 applies (other than schemes for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof) and to payments to metropolitan borough councils in respect of such schemes.

(2) Any increase attributable to the passing of this section in the sum payable out of moneys provided by Parliament by virtue of section seven of the Act of 1919 and of the regulations made thereunder shall be defrayed out of moneys so provided.

PART IV.

UNIFICATION OF CONDITIONS AFFECTING LOCAL AUTHORITIES' HOUSES.

Conditions to be observed by local authorities.

51.—(1) A local authority for the purposes of Part III of the Act of 1925 shall, in relation to all dwelling-houses and dwellings in respect of which they are required to keep a Housing Revenue Account, observe the requirements specified in the following provisions of this section.

(2) The authority shall secure that in the selection of their tenants a reasonable preference is given to persons who are occupying insanitary or overcrowded houses, have large families or are living under unsatisfactory housing conditions.

(3) The authority shall secure that a number of dwelling-houses or dwellings equal to the number of those in respect of which—

(*a*) the authority have received assistance under section one of the Housing (Rural Workers) Act, 1926; or

(*b*) the Minister has undertaken to pay a contribution to the authority under the subsection which by section thirty-eight of this Act is directed to be inserted in section four of the Housing (Rural Workers) Act, 1926;

are reserved for such persons as are mentioned in paragraph (*a*) of subsection (1) of section three of that Act, except in

PART IV. —*cont.*

so far as the demand for housing accommodation in the district of the authority on the part of such persons can be satisfied without such reservation.

(4) The authority shall secure that a number of dwelling-houses equal to the number of those in respect of which the county council have undertaken to make a contribution to the authority under subsection (2) of section thirty-four of the Act of 1930, or are required by subsection (3) of section thirty-four of this Act to make a contribution to the authority, are reserved for members of the agricultural population, except in so far as the demand for housing accommodation in the district of the authority on the part of members of the agricultural population can be satisfied without such reservation.

(5) In fixing rents the authority shall take into consideration the rents ordinarily payable by persons of the working classes in the locality, but may grant to any tenant such rebates from rent, subject to such terms and conditions, as they may think fit.

(6) The authority shall from time to time review rents and make such changes, either of rents generally or of particular rents, and rebates (if any) as circumstances may require.

(7) The authority shall make it a term of every letting that the tenant shall not assign, sub-let or otherwise part with the possession of the premises, or any part thereof, except with the consent in writing of the authority, and shall not give such consent unless it is shown to their satisfaction that no payment other than a rent which is in their opinion a reasonable rent has been, or is to be, received by the tenant in consideration of the assignment, sub-letting or other transaction.

Conditions ceasing to have effect.

52.—(1) The enactments specified in the first column of the Fifth Schedule to this Act (which relate to conditions affecting dwelling-houses to which the requirements of the last foregoing section apply) shall, to the extent specified in the second column of that Schedule, cease to have effect.

(2) The conditions contained in section three of the Housing (Rural Workers) Act, 1926, shall not have effect in relation to dwellings to which the requirements of the last foregoing section apply.

PART IV. —*cont.*

Conditions on sale of local authorities' houses.

53. If any dwelling-house, building, land or dwelling in respect of which a local authority are required to keep a Housing Revenue Account is sold by the authority with the consent of the Minister, he may in giving consent impose such conditions, and may reduce the amount of any Exchequer contribution payable to the authority, or of any of the contributions referred to in Part III of the Fourth Schedule to this Act payable by the authority, as he thinks just.

PART V.

RE-DEVELOPMENT AND RE-CONDITIONING BY OWNERS.

Re-development by owners.

54.—(1) Any persons proposing to undertake the re-development of land may submit particulars of their proposals to the local authority, who shall consider the proposals and, if they appear to the authority to be satisfactory, shall give to the persons by whom they were submitted notice to that effect, specifying times within which the several parts of the re-development are to be carried out, and if and so long as the re-development is being proceeded with in accordance with the proposals and within the specified time limits, subject to any variation or extension approved by the authority, no action shall be taken in relation to the land under any of the powers conferred by Part I or Part II of the Act of 1930 or the provisions of Part I of this Act relating to re-development areas.

(2) Where the local authority are satisfied that, for the purpose of enabling re-development to be carried out in accordance with proposals which have been submitted as aforesaid and in respect of which the authority have given notice of their satisfaction, it is necessary that any dwelling-house to which the Rent and Mortgage Interest Restrictions Acts, 1920 to 1933, apply, should be vacated, and that suitable alternative accommodation within the meaning of section twelve of this Act is available for the tenant or will be available for him at a future date, the authority may issue to the landlord a certificate that such suitable alternative accommodation is available for the tenant or will be available for him by that future date, and a certificate so issued

PART V. —*cont.*

shall, for the purposes of the Rent and Mortgage Interest Restrictions (Amendment) Act, 1933, have the like effect as if it had been such a certificate as is mentioned in subsection (2) of section three of that Act with respect to accommodation to be provided forthwith or on that future date, as the case may be.

23 & 24 Geo. 5. c. 32.

Certificates as to the condition of houses.

55.—(1) Any owner of a dwelling-house, which is occupied, or of a type suitable for occupation, by persons of the working classes and in respect of which works of improvement (otherwise than by way of decoration or repair) or structural alteration are proposed to be executed, may submit a list of the proposed works to the local authority with a request in writing that the authority shall inform him whether in their opinion the house would, after the execution of those works, or of those works together with any additional works, be in all respects fit for human habitation and would, with reasonable care and maintenance, remain so fit for a period of at least five years.

(2) As soon as may be after receipt of such a list and request as aforesaid the local authority shall take the list into consideration and shall inform the owner whether they are of opinion as aforesaid or not, and in a case where they are of that opinion, shall furnish him with a list of the additional works (if any) appearing to them to be required.

(3) Where the local authority have stated that they are of opinion as aforesaid and the works specified in the list submitted to them, together with any additional works specified in a list furnished by them, have been executed to their satisfaction, they shall, on the application of any owner of the house, and upon payment by him of a fee of one shilling, issue to him a certificate that the house is fit for human habitation and will with reasonable care and maintenance remain so fit for a period (being a period of not less than five nor more than ten years) to be specified in the certificate.

(4) During the period specified in a certificate given under this section, no action shall be taken under Part I of the Act of 1930 with a view to the demolition of the house as being unfit for human habitation, or under section nineteen of that Act, or under the provisions of section twenty of that Act relating to closing orders.

PART V. —*cont.*

(5) In this section the expression "improvement" includes the provision of additional or improved fixtures or fittings.

Exclusion from Part V of premises in clearance or re-development area.

56.—(1) The provisions of the two last foregoing sections shall not have effect in the case of premises comprised in a clearance order or compulsory purchase order confirmed by the Minister under Part I of the Act of 1930, or in the case of premises comprised in a demolition order thereunder which has become operative, or in the case of premises comprised in a re-development plan approved by him.

(2) Where proposals are submitted to a local authority under either of the two last foregoing sections in relation to premises not comprised in a clearance or compulsory purchase order or re-development plan so confirmed or approved as aforesaid but comprised in an area which has been defined as a clearance area or as a proposed re-development area, the authority may, in lieu of proceeding as mentioned in that section, transmit the proposals to the Minister, and the Minister shall deal with the proposals in connection with the consideration by him of the clearance order or compulsory purchase order, or of the re-development plan, as the case may be, as if the proposals had been objections to the order or plan made on the date on which the proposals were submitted to the authority, and if, in confirming the order or plan, the Minister excludes the premises from the clearance area or the re-development area, the authority shall thereupon proceed in relation to the proposals as mentioned in the said section and the provisions thereof shall have effect accordingly.

Local authority for purposes of Part V.

57.—(1) The local authority for the purposes of this Part of this Act shall—

(*a*) as regards the city of London, be the Common Council;

(*b*) as regards the rest of the administrative county of London, be the metropolitan borough council;

(*c*) elsewhere, be the council of the borough or urban or rural district.

(2) Before deciding to treat as satisfactory any proposals submitted to them for such re-development as is mentioned in this Part of this Act, a metropolitan

PART V. —*cont.*

borough council shall consult the London County Council and shall obtain their approval of the proposals:

Provided that if, within a period of two months from the date on which the metropolitan borough council first inform the London County Council in writing of any such proposals, the latter council fail to give notice to the metropolitan borough council of their approval of, or their refusal to approve, the proposals, the London County Council shall be deemed to have given their approval thereto for the purposes of this subsection.

PART VI.

MISCELLANEOUS AND GENERAL.

Removal of obstructive buildings.

Definition of "obstructive building."

58. In this Part of this Act the expression "obstructive building" means a building which, by reason only of its contact with, or proximity to, other buildings, is dangerous or injurious to health.

Power of local authority to order demolition of obstructive building.

59.—(1) The local authority for the purposes of Part I of the Act of 1925 and of Part II of the Act of 1930 may serve upon the owner or owners of a building which appears to the authority to be an obstructive building notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the question of ordering the building to be demolished will be considered by the authority, and the owner or owners shall be entitled to be heard when the matter is so taken into consideration.

(2) If, after so taking the matter into consideration, the authority are satisfied that the building is an obstructive building and that the building or any part thereof ought to be demolished, they may make a demolition order requiring that the building or that part thereof shall be demolished, and that the building, or such part thereof as is required to be vacated for the purposes of the demolition, shall be vacated within two months from the date on which the order becomes operative, and if they do so, shall serve a copy of the order upon the owner or owners of the building.

(3) This section shall not apply to a building which is the property of statutory undertakers, unless it is used for the purposes of a dwelling-house, showroom, or office, or which is the property of a local authority.

PART VI. —*cont.*

Effect of order for demolition of obstructive building.

60.—(1) If, before the expiration of the period within which a building in respect of which an order is made under the last foregoing section is thereby required to be vacated, any owner or owners, whose estate or interest, or whose combined estates or interests, in the building and the site thereof is or are such that the acquisition thereof by the local authority would enable the local authority to carry out the demolition provided for by the order, make to the local authority an offer for the sale of that interest, or of those interests, to the local authority at a price to be assessed, as if it were compensation for a compulsory purchase, by arbitration in accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, the authority shall accept the offer and shall, as soon as possible after obtaining possession, carry out the demolition.

(2) If no such offer as is mentioned in the last foregoing subsection is made before the expiration of the said period, the owner or owners of the building shall carry out the demolition provided for by the order before the expiration of six weeks from the last day of that period, or, if the building, or such part thereof as is required to be vacated, is not vacated until after that day, before the expiration of six weeks from the day on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority deem reasonable, and if the demolition is not so carried out the local authority shall enter and carry out the demolition and sell the materials rendered available thereby.

(3) The provisions of subsection (4) of section two of the Act of 1930 shall apply in relation to any expenses incurred by a local authority under the last foregoing subsection and to any surplus remaining in the hands of the authority, as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a clearance order.

(4) Where the demolition of a building is carried out under subsection (2) of this section, either by the owner or owners thereof or by the local authority, compensation shall be paid by the authority to the owner or owners in respect of loss arising from the demolition, and that compensation shall, notwithstanding that no land is acquired compulsorily by the local authority, be assessed in

PART VI —*cont.*

accordance with the provisions contained in Part II of the Third Schedule to the Act of 1930, except that paragraphs (2) to (6) of section two of the Acquisition of Land (Assessment of Compensation) Act, 1919, shall not apply and that paragraph (1) of the said section two shall have effect with the substitution of a reference to demolition for the reference to acquisition.

9 & 10 Geo. 5. c. 57.

Application of certain enactments to demolition orders under this Part.

61. The following enactments shall have effect in relation to a demolition order under this Part of this Act and to a building or part of a building to which such an order applies, as they have effect in relation to a demolition order under Part II of the Act of 1930, and to a house, building or premises to which such an order applies, as if the references therein to a demolition order included references to a demolition order under this Part of this Act, and the references therein to Part I of the Act of 1925 or to Part II of the Act of 1930 included references to the foregoing provisions of this Part of this Act, that is to say,—

(*a*) section twenty-nine of the Act of 1925 (which relates to notices and applications to the court in relation to demolitions);

(*b*) section thirty-one of the Act of 1925 (which relates to remedies of owners for breach of covenant);

(*c*) section twenty-two of the Act of 1930 (which relates to appeals against orders and the date of coming into operation of orders);

(*d*) section thirty-nine of the Act of 1930 (which relates to the recovery of possession of buildings), except subsection (2) thereof;

(*e*) section forty of the Act of 1930 (which relates to the power of a county court to determine or vary a lease where premises the subject matter thereof are demolished); and

(*f*) section fifty-nine of the Act of 1930 (which relates to the recovery of possession of buildings).

Amendments relating to Clearance Areas.

Amendment as to buildings in clearance area on

62.—(1) Notwithstanding anything in Part I of the Act of 1930, there shall be excluded from a clearance order made thereunder any dwelling-houses or other buildings properly included in the clearance area

PART VI. —*cont.*

ground of bad arrangement &c., and repeal of provision for reduction of compensation.

only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area, and, if a compulsory purchase order is confirmed with respect to the site of any such dwelling-house or other building as being land comprised in a clearance area, the compensation to be paid for the land including the buildings thereon shall be assessed in accordance with the provisions contained in Part II of the Third Schedule of the Act of 1930:

Provided that the foregoing provisions of this subsection shall not apply to a building constructed or adapted as or for the purposes of a dwelling-house, or partly for those purposes and partly for other purposes, if any part (not being a part used for other purposes) is by reason of disrepair or sanitary defects unfit for human habitation.

(2) The proviso to subsection (1) of section forty-six of the Act of 1925 (which proviso relates to the reduction of compensation payable in respect of the compulsory purchase of land comprised in a clearance area where the land is to be appropriated for the rehousing of persons of the working classes) shall cease to have effect as respects the compensation to be paid for land made the subject of a compulsory purchase order made on or after the twentieth day of December, nineteen hundred and thirty-four, and any person whose compensation has been assessed before the commencement of this Act at an amount less than that at which it would by virtue of this subsection have been assessed after the commencement of this Act shall be entitled to apply for additional compensation in accordance with the like procedure as if the assessment had not been made.

Obligation of local authority and of the Minister to state reasons for deciding that a building is unfit.

63.—(1) Where a person upon whom notice of a clearance order or of a compulsory purchase order made under Part I of the Act of 1930 or under Part I of this Act is required to be served has duly made objection thereto on the ground that a building included therein is not unfit for human habitation, and the objection has not been withdrawn, the Minister shall not cause the public local inquiry with respect thereto to be held earlier than the expiration of fourteen days after it has been shown to his satisfaction that the local authority have served upon the objector a notice in writing stating what facts

PART VI. —*cont.*

they allege as their principal grounds for being satisfied that the building is so unfit.

(2) Any person who objects to a clearance order on the ground that a building included therein, being a building in which he is interested, is not unfit for human habitation, or who objects on the like ground to a compulsory purchase order made under Part I of the Act of 1930, or under Part I of this Act, and who appears at the public local inquiry in support of his objection, shall, if the building is included in the order as confirmed as being unfit for human habitation, be entitled, on making a request in writing, to be furnished by the Minister with a statement in writing of his reasons for deciding that the building is so unfit.

Payments in respect of well-maintained houses.

64.—(1) Where as respects a dwelling-house which is made the subject of a compulsory purchase order, whether under Part I of the Act of 1930 or under Part I of this Act, as being unfit for human habitation, or which is made the subject of a clearance order (being, in either case, an order made on or after the twentieth day of December, nineteen hundred and thirty-four) the Minister is satisfied, after causing the house to be inspected by an officer of the Ministry of Health, that, notwithstanding its sanitary defects, it has been well maintained, the Minister may give directions for the making by the local authority of a payment under this section in respect of the house.

(2) A payment under this section shall be of an amount equal either—

(*a*) to the amount by which the aggregate expenditure which is shown to the satisfaction of the local authority to have been incurred in maintaining the house during the five years immediately before the date on which the order was made exceeds an amount equal to one and one-quarter times the rateable value of the house; or

(*b*) to one and a half times, or, if at that date the house is occupied by an owner thereof and has been owned and occupied by him or by a member of his family continuously during the three years immediately before that date, three times, the rateable value of the house;

whichever is the greater:

PART VI. —*cont.*

Provided that a payment under this section shall not in any case exceed the difference between the full value of the house (that is to say the amount which would have been payable as compensation if it had been purchased compulsorily but not as being unfit for human habitation) and the site value thereof (that is to say the amount which is payable as compensation by virtue of its being purchased compulsorily as being unfit for human habitation, or which would have been so payable if it had been so purchased), and any question as to such value shall be determined, in default of agreement, as if it had been a question of disputed compensation arising on such a purchase.

(3) A payment under this section shall be made—

(*a*) if the house is occupied by an owner thereof, to him; or

(*b*) if the house is not so occupied, to the person or persons liable under any enactment, covenant or agreement to maintain and repair the house, and if more than one person is so liable, in such shares as the authority think equitable in the circumstances:

Provided that, if any other person satisfies the local authority that the good maintenance of the house is attributable to a material extent to work carried out by him or at his expense, the local authority may, if it appears to them to be equitable in the circumstances, make the payment, in whole or in part, to him.

(4) In this section the expression "rateable value" means in relation to a house the value which, in the valuation list in force at the date on which the order is made, is shown on that date as the rateable value of the house, or, where the net annual value differs from the rateable value, as the net annual value.

Arrangements where acquisition of land in clearance area found to be unnecessary.

65. Where a local authority have submitted to the Minister an order for the compulsory purchase of land in a clearance area, and the Minister, on an application for an authorisation under this section being made to him by the owner or owners of the land and the authority, is satisfied that the owner or owners of the land, with the concurrence of any mortgagee thereof, agree to the demolition of the buildings thereon and that the authority

PART VI. —*cont.*

can secure the proper clearance of the area without acquiring the land, the Minister may—

(*a*) in a case where the order has not been confirmed, authorise the authority to submit, forthwith and without any previous publication or service, a clearance order with respect to the buildings, and upon their so doing may modify the compulsory purchase order by excluding the land therefrom and confirm the clearance order without causing an inquiry to be held; or

(*b*) in a case where the compulsory purchase order has been confirmed but the land has not become vested in the authority, authorise them to discontinue proceedings for the purchase of the land on their being satisfied that such covenants have been or will be entered into by all necessary parties as may be requisite for securing that the buildings shall be demolished in like manner, and the land become subject to the like restrictions and conditions, as if the authority had dealt with the land in accordance with the provisions of section five of the Act of 1930.

Power to exchange clearance area land in lieu of sale under s. 5 of Act of 1930.

66.—(1) Where a local authority have purchased land comprised in, or surrounded by, or adjoining, a clearance area, and the owner of other land, being land which the authority have power to acquire, is willing to take the land in exchange for that other land, the authority may, in lieu of selling the land under subsection (1) of section five of the Act of 1930, exchange it for that other land either with or without paying or receiving money for equality of exchange.

(2) Any such exchange as aforesaid shall be deemed to be a transaction under the said section five, and in relation thereto the like provisions shall have effect as respects the land to be given in exchange by the local authority as have effect by virtue of the said section five as respects land sold thereunder.

Amendment of s. 4 of Act of 1930.

67.—(1) In section four of the Act of 1930 (which relates to property belonging to a local authority within or adjacent to a clearance area), for the words from the beginning of the section to the words " and where any

PART VI. —*cont.*

such land" there shall be substituted the following words :—

"Subject to the provisions of this section, a local authority may include in a clearance area any land belonging to them which they might have included in such an area if it had not belonged to them, and where any land ".

(2) The following proviso shall be inserted at the end of the said section four :—

"Provided that the foregoing provisions of this section shall not apply in the case of any land belonging to the local authority being workingmen's dwellings which were acquired by them under any such Act or Order as is mentioned in section ninety-eight of the Housing Act, 1925 (in this Act referred to as "the principal Act") and in such circumstances that the provisions of paragraph (1) of the Fifth Schedule to that Act took effect in relation thereto."

(3) Any increase attributable to the amendment by this section of section four of the Act of 1930 in the sums payable out of moneys provided by Parliament by virtue of section twenty-six of that Act shall be defrayed out of moneys so provided.

Amendments of the enactments relating to housing.

Amendment of Act of 1925, s. 6, as to byelaws.

68.—(1) The following amendments shall be made in section six of the Act of 1925 (which relates to the making of byelaws respecting houses intended or used for occupation by the working classes).

(2) In subsection (1) of the said section six, for the words "The power of making and enforcing byelaws "under the Public Health Act, 1875, and the Public Health "(London) Act, 1891, shall include the making and "enforcing by local authorities of byelaws in the case "of", there shall be substituted the words :—

38 & 39 Vict. c. 55.

"A local authority for the purposes of Part III of this Act may, and if required by the Minister shall, make and enforce byelaws with respect to ":

Provided that the foregoing provisions of this subsection shall not affect the validity of any byelaws made under the Public Health Act, 1875, or under

PART VI. —*cont.*

the Public Health (London) Act, 1891, before the commencement of this Act by virtue of the power conferred by the said section six, but any such byelaws shall be deemed to have been made under the said section six and may be revoked or amended accordingly.

(3) As from the appointed day, paragraph (*a*) of subsection (1) of the said section six, and any byelaws made under the said section for the purposes specified in that paragraph, shall cease to have effect.

(4) The following paragraph shall be inserted after paragraph (*j*) of subsection (1) of the said section six :—

"(*k*) for the prevention of nuisances arising from or in a part of a building or an underground room in respect of which a closing order is in force".

(5) Byelaws made under the said section six for any of the purposes therein specified may be made applicable to any house intended or used for occupation by the working classes, whether let in lodgings or occupied by members of more than one family or occupied by one family only, and the following subsection shall be inserted in the said section six after subsection (1) thereof :—

"(1.A.) The operation of any byelaws made under this section for any of the purposes specified therein may be limited to houses let in lodgings or occupied by members of more than one family".

(6) For subsection (3) of the said section six the following subsections shall be substituted :—

"(3) If a local authority, when required by the Minister to make byelaws under this section for any of the purposes specified therein, fail to make, within such period as he may specify, byelaws satisfactory to him for those purposes, the Minister may himself make byelaws for those purposes, and any byelaws so made by him shall have effect, and shall be enforced, as if they had been made by the local authority and duly confirmed.

(4) The Minister shall be the confirming authority as respects byelaws made under this section.

PART VI. —*cont.*

(5) The provisions of the Public Health (London) Act, 1891, with respect to byelaws to be made or enforced by a sanitary authority under that Act, shall apply in relation to any byelaws to be made or enforced under this section by the Common Council of the City of London.

(6) At least two months before the London County Council apply to the Minister for the confirmation of any byelaws made by them under this section they shall send a copy of the proposed byelaws to every metropolitan borough council by whom the byelaws will have to be enforced, and the county council shall consider any representations made to them thereon by any such metropolitan borough council."

Amendment of Act of 1925, s. 57, as regards rural district councils.

69. The provisions of section fifty-seven of the Act of 1925 relating to the exercise by a local authority outside their district of powers conferred upon them by that section shall apply to a rural district council, and accordingly the words " Except where the local authority is a rural district council," in the said section, shall cease to have effect.

Power to purchase compulsorily land not immediately required.

70. Notwithstanding anything in subsection (3) of section fifty-eight of the Act of 1925, a local authority may be authorised to purchase land compulsorily for the purposes of Part III of that Act, although that land is not immediately required for those purposes, if it appears to the Minister that it is likely to be so required within ten years, and accordingly the words " by agreement (but not otherwise) " in the said subsection shall cease to have effect, and at the end of the said subsection the following proviso shall be inserted—

" Provided that a local authority shall not be authorised to purchase any land compulsorily for those purposes unless it appears to the Minister that it is likely to be required for those purposes within ten years from the date on which he confirms the compulsory purchase order."

Sale of land acquired for purposes of Part III of Act of 1925. 8 & 9 Vict. c. 18.

71. The provisions of sections one hundred and twenty-eight to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845 (which relate to the sale of superfluous land) shall not apply with respect to the sale by a local authority, under the powers conferred by

PART VI. —*cont.*

the Act of 1925, of any land acquired by the authority for the purposes of Part III of that Act.

Amendment of Act of 1925, s. 64, with respect to statutory undertakers.

72. In section sixty-four of the Act of 1925 (which relates to the compulsory purchase of land for the purposes of Part III of that Act) for the reference to land which has been acquired by any corporation or company for the purposes of a railway, dock, canal, water or other public undertaking, there shall be substituted a reference to land which is the property of statutory undertakers, having been acquired by them for the purposes of their undertaking.

Compensation on compulsory purchase for purposes of Part III of Act of 1925.

73. The following subsection shall be inserted at the end of section sixty-four of the Act of 1925:—

"(2) Where land is purchased compulsorily by a local authority for the purposes of this Part of this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions of Part II of the Third Schedule to the Housing Act, 1930."

Additional powers of London County Council as to provision of housing accommodation.

74.—(1) Notwithstanding anything contained in section eighty of the Act of 1925 the London County Council shall be a local authority for the purposes of Part III of that Act as respects any part of the administrative county of London, other than the city of London, for the purpose of providing housing accommodation for persons of the working classes, being either—

(*a*) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under the Act of 1930 for dealing with a clearance area or for the demolition of insanitary houses; or

(*b*) accommodation required for the purpose of the abatement of overcrowding; or

(*c*) accommodation rendered necessary by displacements occasioned by action taken by the county council or by a metropolitan borough council under Part I of this Act.

(2) Notwithstanding anything contained in section eighty of the Act of 1925 the London County Council shall be a local authority as respects any part of the administrative county of London, other than the city of

London, for the following purposes, that is to say, for the purposes of— PART VI. —*cont.*

(*a*) paragraphs (*b*), (*c*) and (*d*) of subsection (1) of section fifty-seven of the Act of 1925;

(*b*) subsection (2) of section fifty-seven of the Act of 1925, so far as that subsection relates to houses converted or acquired by a local authority;

(*c*) paragraphs (*b*) and (*c*) of subsection (1) of section fifty-eight of the Act of 1925.

(3) Nothing in this section shall affect the powers conferred on a metropolitan borough council by the Act of 1925 or the Act of 1930 with respect to the provision of housing accommodation within their borough.

Amendment as to terms of loans by Public Works Loan Commissioners.

75. Section eighty-nine of the Act of 1925 shall have effect as if in paragraph (*b*) of subsection (2) thereof the words " if the Minister makes a recommendation to that effect " had been omitted, and as if for the words " the " period shall not exceed the period recommended by " the Minister, nor in any case eighty years " there had been substituted the words " shall not exceed eighty years."

Interpretation and amendment of Act of 1925, s. 92.

76.—(1) It is hereby declared that, in subsection (3) of section ninety-two of the Act of 1925, the expression " the value of the interest of the mortgagor " means, in relation to an advance secured by a mortgage created by a person who acts in that behalf in a fiduciary capacity and who has also a beneficial interest in the property, the value of the interest which that person has power to mortgage by virtue of his fiduciary capacity.

(2) The limit specified in subsection (4) of section ninety-two of the Act of 1925 on the estimated value of the fee simple in possession free from encumbrances of property in respect of which an advance or guarantee may be made or given under that section shall, as regards an advance or guarantee made or given after the thirty-first day of October, nineteen hundred and thirty-five, be reduced from fifteen hundred pounds to eight hundred pounds.

(3) An advance made under the said section ninety-two shall for the purposes of that section and of this section be deemed to be made on the date on which the mortgage securing the advance is executed.

PART VI. —*cont.*

Provision of recreation grounds, &c., in connection with houses provided by a housing association.

77. For the purposes of section one hundred and seven of the Act of 1925 (which confers on a local authority power to provide buildings or land which will serve a beneficial purpose in connection with the requirements of persons for whom housing accommodation is provided by them) the housing accommodation in connection with which buildings or land may be provided under the said section shall include housing accommodation provided by a housing association under arrangements made with the local authority under this Act or under section twenty-nine of the Act of 1930.

Power of local authorities to enforce covenants against owner for time being of land.

78.—(1) Where—

(*a*) a local authority have sold or exchanged land acquired by them under the Act of 1925, or any enactment repealed by that Act, or under the Act of 1930, or this Act, and the purchaser of the land, or the person taking the land in exchange, has entered into a covenant with the local authority concerning the land; or

(*b*) an owner of any land has entered into a covenant with the local authority concerning the land for the purposes of any of the provisions of the said Acts;

the authority shall have power to enforce the covenant against the persons deriving title under the covenantor, notwithstanding that the authority are not in possession of or interested in any land for the benefit of which the covenant was entered into, in like manner and to the like extent as if they had been possessed of or interested in such land.

(2) Section one hundred and ten of the Act of 1925 shall cease to have effect.

Service of notices, &c.

79.—(1) Section one hundred and twenty-one of the Act of 1925 (which relates to the service of notices, orders or other documents) shall be amended as follows, that is to say :—

(i) for paragraphs (*c*) and (*d*) of subsection (1) of the said section the following paragraphs shall be substituted—

"(*c*) by sending it in a prepaid registered letter addressed to that person at his usual or last known place of abode; or

PART VI. —*cont.*

(*d*) in the case of an incorporated company or body, by delivering it to the secretary or clerk of the company or body at their registered or principal office or sending it in a prepaid registered letter addressed to the secretary or clerk of the company or body at that office; or

(*e*) if it is not practicable after reasonable inquiry to ascertain the name or address of an owner, lessee or occupier of land on whom it should be served, by addressing it to him by the description of "owner" or "lessee" or "occupier" of the premises (naming them) to which it relates, and by delivering it to some person on the premises or, if there is no person on the premises to whom it can be delivered, by affixing it, or a copy of it, to some conspicuous part of the premises."

(ii) Subsection (2) of the said section shall cease to have effect.

(2) Subsection (3) of section nineteen of the Act of 1930 shall have effect, and shall be deemed always to have had effect, as if for the reference therein to service of a demolition order made thereunder there had been substituted a reference to service of a copy of the order.

Provisions as to caravans and other movable forms of shelter.

80.—(1) It is hereby declared that the reference to development in subsection (5) of section two of the Act of 1930 (which subsection provides that when a clearance order has become operative no land to which the order applies shall be used for building purposes or otherwise developed except as therein mentioned) includes a reference to the erection or placing on land of a hut, tent, caravan or other temporary or movable form of shelter.

(2) The provisions of Part I of the Act of 1930 relating to buildings included in an area to which a clearance order relates, and of Part II of that Act relating to dwelling-houses, shall have effect in relation to any hut, tent, caravan or other temporary or movable form of shelter which is used for human habitation and has been in the same enclosure for a period of two years next before action is taken under those provisions, in like manner as if it had been a building or dwelling-house.

PART VI. —*cont.*

Amendment as to extinguishment of rights of way.

81. The provisions of subsection (1) of section thirteen of the Act of 1930 (which subsection enables a local authority with the approval of the Minister to extinguish by order any public right of way over land purchased by the authority under Part I of the said Act) shall be extended so as to enable a local authority who have resolved to purchase land in respect of which that section has effect, and over which a public right of way exists, to make and the Minister to approve, in advance of the purchase, an order extinguishing that right as from the date on which the buildings on the land are vacated, or at the expiration of such period after that date as may be specified in the order, or as the Minister in approving the order may direct.

Power of local authority to cleanse from vermin building to be demolished under clearance or demolition order.

82.—(1) If it appears to the local authority that a building, to which a clearance order or a demolition order under section nineteen of the Act of 1930 applies, requires to be cleansed from vermin, the authority may, at any time between the date on which the order is (in the case of a clearance order) confirmed or (in the case of a demolition order) made and the date on which it becomes operative in relation to the building, serve notice in writing on the owner or owners of the building that the authority intend to cleanse it before it is demolished.

(2) A local authority who have served a notice under the foregoing subsection may, at any time after the order has become operative in relation to the building and it has been vacated, enter and carry out such work as they may think requisite for the purpose of destroying or removing vermin, and the demolition of the building shall not be begun or continued by any owner after service of the notice on him until the authority have served on him a further notice authorising him to proceed with the demolition:

Provided that an owner upon whom a notice has been served under the foregoing subsection may, at any time after the building has been vacated, serve notice in writing on the authority requiring them to carry out the work within fourteen days from receipt of the notice served by him, and at the expiration of that period shall be at liberty to proceed with the demolition of the building whether the work has then been completed or not.

PART VI. —*cont.*

(3) Where a local authority serve a notice under subsection (1) of this section in relation to a building, subsection (3) of section two, or subsection (1) of section twenty-one, as the case may be, of the Act of 1930 shall have effect in relation to the building subject to the proviso that the local authority shall not be entitled to take action thereunder until the expiration of six weeks from the date on which the owner or owners become entitled by virtue of subsection (2) of this section to proceed with the demolition.

Limitation of time for offer to repair insanitary house.

83.—(1) In section nineteen of the Act of 1930 the following subsection shall be inserted after subsection (1):

"(1*a*) A person upon whom notice is served under the foregoing subsection shall, if he intends to submit an offer with respect to the carrying out of works, within twenty-one days from the date of the service of the notice upon him, serve upon the authority notice in writing of his intention to make such an offer, and shall, within such reasonable period as the authority may allow, submit to them a list of the works which he offers to carry out."

(2) The following proviso shall be inserted at the end of subsection (2) of section twenty-two of the Act of 1930:

"Provided that the judge shall not accept from an appellant upon whom such a notice as is mentioned in subsection (1) of section nineteen of this Act was served an undertaking to carry out any works, unless the appellant complied with the requirements of subsection (1*a*) of the said section nineteen."

Extension of power to make a closing order as to part of a building.

84.—(1) The following section shall be substituted for section twenty of the Act of 1930—

"20. A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is occupied, or is of a type suitable for occupation by persons of the working classes, or in relation to any underground room which, by virtue of subsection (1) of section eighteen of the principal Act, is to be deemed to be unfit for human habitation, as they are empowered to take in relation to a dwelling-house,

PART VI. —*cont.*

subject, however, to this qualification that, in circumstances in which, in the case of a dwelling-house, they would have made a demolition order, they shall make a closing order prohibiting the use of the part of the building or of the room, as the case may be, for any purpose other than a purpose approved by the local authority, but—

(*a*) the approval of the authority shall not be unreasonably withheld; and

(*b*) the authority shall determine the closing order on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation."

(2) Subsection (1) of section eighteen of the Act of 1925 shall have effect as if the words "habitually used as a sleeping place" had been omitted.

(3) In subsection (1) of section twenty-two of the Act of 1930 (which confers on persons aggrieved by any of the matters referred to in paragraphs (*a*) to (*e*) thereof a right to appeal to the county court) the following paragraph shall be inserted after paragraph (*e*)—

"(*f*) a withholding of approval in relation to the use for any purpose of premises in respect of which a closing order is in force."

(4) Any increase attributable to the amendment by this section of section twenty of the Act of 1930 in the sums payable out of moneys provided by Parliament by virtue of section twenty-six of that Act shall be defrayed out of moneys so provided.

Power of London County Council to act in default of metropolitan borough council.

85.—(1) Where a complaint has been made to the Minister by the London County Council that the council of a metropolitan borough have failed—

(*a*) to make an inspection of their borough under section one of this Act or, within a reasonable period, to complete the inspection and to submit the report thereon; or

(*b*) to enforce the provisions of Part I of this Act relating to overcrowding; or

PART VI. —*cont.*

(*c*) to enforce any byelaws made under section six of the Act of 1925 and for the time being in force; or

(*d*) to exercise their powers under section twenty of the Act of 1930 in a case where those powers ought to have been exercised;

the Minister, if satisfied after due inquiry that there has been such a failure on the part of that council, may make an order declaring that council to be in default and directing that council to exercise such powers as may be necessary for the purpose of remedying the default in such manner and within such time as may be specified in the order.

(2) If the council to whom the order is addressed fail to comply with any requirement thereof within the time limited thereby for compliance therewith, the Minister may make an order directing the London County Council to perform such of the obligations of the metropolitan borough council under the original order within such time as may be specified in his order addressed to the London County Council.

(3) An order under the last foregoing subsection may provide that section one hundred and one of the Public Health (London) Act, 1891 shall, subject to such modifications and adaptations as may be specified in the order, apply in relation to the obligations specified therein as it applies in relation to duties which the London County Council are appointed to perform under that section.

Extension of power to obtain possession of certain controlled premises.

86. Subsection (3) of section twenty-one of the Act of 1930 (which provides that where under Part II of that Act an undertaking has been given that any premises shall not be used for human habitation, nothing in the Rent and Mortgage Interest (Restrictions) Acts, 1920 to 1925, or in any enactment amending those Acts, shall prevent any owner of those premises from obtaining possession thereof) shall apply also in relation to any part of a building or underground room with respect to which a closing order is in force.

Power of county court to vary lease where premises demolished.

87. Section forty of the Act of 1930 shall be amended as follows, that is to say,—

(*a*) in subsection (1) thereof, for the words " an order determining the lease ", there shall be substituted

PART VI. —*cont.*

the words "an order under this section", and

(*b*) in subsection (2) thereof, for the words "order that the lease shall be determined", there shall be substituted the words "make an order for "the determination of the lease or for the "variation thereof, and in either case".

Amendments as to allowances in respect of demolitions, &c.

88.—(1) In section forty-one of the Act of 1930 (which relates to the making of allowances to persons displaced from certain buildings) for the words "under "Part I of this Act as being comprised in a clearance "area, or under Part II of this Act, as being incapable "of being rendered fit for human habitation," there shall be substituted the words "either under Part I of "this Act, or as being unfit for human habitation and "not capable at reasonable expense of being rendered "so fit."

(2) The following subsection shall be inserted at the end of the said section forty-one—

"(2) Where as a result of action taken by a local authority under Part I of this Act the population of the locality is materially decreased, they may pay to any person carrying on a retail shop in the locality such reasonable allowance as they think fit towards any loss involving personal hardship which in their opinion he will thereby sustain, but in estimating any such loss they shall have regard to the probable future development of the locality."

Service of notices as to compulsory purchase.

89. The following sub-paragraph shall be inserted at the end of paragraph 2 of Part I of the Second Schedule to the Act of 1930 (which paragraph specifies the modifications subject to which the Lands Clauses Acts are to be incorporated in compulsory purchase orders):—

"(v) Notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and twenty-one of the Housing Act, 1925, in relation to notices required to be served by or under that Act."

PART VI. —*cont.*

90.—(1) In paragraph 1 of Part II of the Third Schedule to the Act of 1930 there shall be substituted for the references to such overcrowding as is dangerous or injurious to the health of the inmates, references to overcrowding within the meaning of Part I of this Act.

Amendment of Part II of Third Schedule to Act of 1930.

(2) At the end of paragraph 3 of the said Part II the following words shall be inserted :—

> " but before tendering evidence as to sanitation or repair, the authority shall furnish to the arbitrator and to the claimant a statement in writing of the respects in which the premises are alleged to be so defective ".

(3) At the end of the said Part II the following additional paragraph shall be inserted :—

> " 6. The arbitrator shall embody in his award a statement showing separately whether compensation has been reduced by reference to the use of the premises for illegal purposes, to overcrowding, to the considerations mentioned in paragraph 2 of this Part of this Schedule, and to the considerations mentioned in paragraph 4 thereof, and the amount (if any) by which compensation has been reduced by reference to each of those matters."

General.

Provisions as to apparatus of statutory undertakers in land dealt with by local authority under the Housing Acts.

91.—(1) Where the removal or alteration of apparatus belonging to statutory undertakers on, under, or over land purchased by a local authority under Part I of the Act of 1930, or under section fifteen of this Act, or on, under, or over a street running over, or through, or adjoining any such land, is reasonably necessary for the purpose of enabling the authority to exercise any of the powers conferred upon them by Part I of the Act of 1930, or the provisions of Part I of this Act relating to re-development areas, the local authority shall have power to execute works for the removal or alteration of the apparatus subject to and in accordance with the provisions of this section.

(2) A local authority who intend to remove or alter any apparatus under the powers conferred by the foregoing subsection shall serve on the undertakers notice in

PART VI. —*cont.*

writing of their intention with particulars of the proposed works and of the manner in which they are to be executed, and plans and sections thereof, and shall not commence any works until the expiration of a period of twenty-eight days from the date of service of the notice, and the undertakers may within that period by notice in writing served on the authority—

(*a*) object to the execution of the works or any of them on the ground that they are not necessary for the purpose aforesaid; or

(*b*) state requirements to which, in their opinion, effect ought to be given as to the manner of, or the observance of conditions in, the execution of the works, as to the execution of other works for the protection of other apparatus belonging to the undertakers or as to the execution of other works for the provision of substituted apparatus whether permanent or temporary;

and—

(i) if objection is so made to any works and not withdrawn, the local authority shall not execute the works unless they are determined by arbitration to be so necessary;

(ii) if any such requirement as aforesaid is so made and not withdrawn, the local authority shall give effect thereto unless it is determined by arbitration to be unreasonable.

(3) A local authority shall make to statutory undertakers reasonable compensation for any damage which is sustained by them by reason of the execution by the authority of any works under subsection (1) of this section and which is not made good by the provision of substituted apparatus. Any question as to the right of undertakers to recover compensation under this subsection or as to the amount thereof shall be determined by arbitration.

(4) Where the removal or alteration of apparatus belonging to statutory undertakers, or the execution of works for the provision of substituted apparatus, whether permanent or temporary, is reasonably necessary for the purposes of their undertaking by reason of the stopping up, diversion, or alteration of the level or width of a street

by a local authority under powers exercisable by virtue of the Act of 1925, the Act of 1930, or this Act, they may, by notice in writing served on the authority, require them at the expense of the authority to remove or alter the apparatus or to execute the works, and where any such requirement is so made and not withdrawn, the local authority shall give effect thereto unless they serve notice in writing on the undertakers of their objection to the requirement within twenty-eight days from the date of service of the notice upon them and the requirement is determined by arbitration to be unreasonable.

(5) At least seven days before commencing any works which they are authorised or required under the foregoing provisions of this section to execute, the local authority shall, except in case of emergency, serve on the undertakers notice in writing of their intention so to do, and the works shall be executed by the authority under the superintendence (at the expense of the authority) and to the reasonable satisfaction of, the undertakers :

Provided that, if within seven days from the date of service on them of notice under this subsection the undertakers so elect, they shall themselves execute the works in accordance with the reasonable directions and to the reasonable satisfaction of the authority, and the reasonable costs thereof shall be repaid to the undertakers by the authority.

(6) Any difference arising between statutory undertakers and a local authority under the last foregoing subsection and any matter which is by virtue of the foregoing provisions of this section to be determined by arbitration shall—

(*a*) in the case of a question arising under subsection (3) of this section, unless the authority and the undertakers otherwise agree, be referred to and determined by an official arbitrator appointed under the Acquisition of Land (Assessment of Compensation) Act, 1919, who shall have the like powers in respect of procedure, costs, and the statement of special cases as he has under that Act;

(*b*) in any other case, be referred to and determined by an arbitrator to be appointed, in default of agreement, by the Minister.

PART VI. —*cont.*

(7) In section thirteen of the Act of 1930 the following subsection shall be substituted for subsection (2):—

"(2) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing, or maintaining any apparatus on, under, or over that land and all other rights or easements in or relating to that land shall be extinguished and any such apparatus shall vest in the local authority and any person who suffers loss by the extinguishment or vesting of any such right or apparatus as aforesaid shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919:

Provided that this subsection shall not apply to any right vested in statutory undertakers of laying down, erecting, continuing or maintaining any apparatus, or to any apparatus belonging to statutory undertakers, and shall have effect as respects other matters subject to any agreement which may be made between the local authority and the person in or to whom the right or apparatus in question is vested or belongs."

(8) In this section references to the alteration of apparatus include references to diversion and to alterations of position or level.

Amendments of Small Dwellings Acquisition Acts.

92.—(1) The limit on the market value of houses in respect of which an advance may be made under the Small Dwellings Acquisition Acts, 1899 to 1923, shall, as regards an advance made after the thirty-first day of October, nineteen hundred and thirty-five, be reduced from twelve hundred pounds to eight hundred pounds.

(2) The rate of interest on advances under the said Acts shall, as regards advances made after the commencement of this Act, be a rate one quarter per cent. in excess of the rate of interest which, one month before the date on which the terms of the advance are settled, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925.

PART VI. —*cont.*

(3) An advance made under the said Acts shall for the purposes of those Acts and of this section be deemed to be made on the date on which the instrument securing the repayment of the advance is executed.

Authentication of certificates.

93. Any document purporting to be a certificate of a local authority named therein issued for any of the purposes of this Act and to be signed by the clerk to that authority shall be received in evidence and be deemed to be such a certificate without further proof unless the contrary is shown.

Requirements to be observed by local authorities in erection of houses.

94. It shall be the duty of every local authority for the purposes of Part III of the Act of 1925 by whom any house is erected under the enactments relating to the housing of the working classes after the commencement of this Act, whether with or without financial assistance from the Government, to secure—

(*a*) that a fair wages clause, complying with the requirements of any resolution of the Commons House of Parliament for the time being in force with respect to contracts of government departments, is inserted in all contracts for the erection of the house; and

(*b*) except in so far as the Minister may, in any particular case, dispense with the observance of this paragraph, that the house is provided with a fixed bath in a bathroom.

Buildings situated in districts of more than one local authority.

95.—(1) In the case of a building which is situated partly in the district of one local authority and partly in the district of another, the local authorities may agree that this section shall have effect in relation to the building or to the building and the site thereof and any yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith.

(2) Whilst such an agreement as aforesaid is in force the Housing Acts, 1919 to 1931, and this Act shall have effect as if the district of such one of the local authorities as may be specified therein included the whole of the building and, if the agreement so provides, the site thereof and any such other premises as aforesaid.

PART VI. —*cont.*

Expenses of London County Council.

96. There shall be defrayed as expenses for general county purposes any expenses incurred by the London County Council—

(*a*) in connection with any action taken by them under Part I of this Act, or taken by them in connection with the provision and maintenance of housing accommodation required for the purpose of the abatement of overcrowding or rendered necessary by displacements occurring in the carrying out of re-development in accordance with a re-development plan;

(*b*) in making contributions towards any expenses incurred by the Common Council of the City of London, or the council of a metropolitan borough, in connection with any such action as aforesaid taken by that council; or

(*c*) in making any additional contribution out of the county fund under section forty-one of, and paragraph 8 of Part III of the Fourth Schedule to, this Act.

Interpretation.

97.—(1) In this Act unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

9 & 10 Geo. 5. c. 35.

"The Act of 1919" means the Housing, Town Planning, &c. Act, 1919:

13 & 14 Geo. 5. c. 24.

"The Act of 1923" means the Housing, &c. Act, *1923:*

14 & 15 Geo. 5. c. 35.

"*The Act of 1924*" *means the* Housing (Financial *Provisions) Act, 1924:*

15 & 16 Geo. 5. c. 14.

"The Act of 1925" means the Housing Act, 1925:

20 & 21 Geo. 5. c. 39.

"The Act of 1930" means the Housing Act, 1930:

21 & 22 Geo. 5. c. 39.

"The Act of 1931" means the Housing (Rural Authorities) Act, 1931:

"The Housing Acts, 1919 to 1931," means the Acts referred to in the foregoing definitions:

"Agricultural population" has the meaning assigned to it by subsection (2) of section thirty-four of the Act of 1930:

"Apparatus" means sewers, drains, culverts, watercourses, mains, pipes, valves, tubes, cables, wires, transformers, and other apparatus laid

down or used for or in connection with the carrying, conveying, or supplying to any premises of a supply of water, water for hydraulic power, gas or electricity, and standards and brackets carrying street lamps:

"The appointed day" means such day as the Minister may appoint, and the Minister may fix different days for different purposes and different provisions of this Act and for different localities:

"Flat" means a separate and self-contained set of premises constructed for use for the purposes of a dwelling-house and forming part of a building from some other part of which it is divided horizontally, and "block of flats" means a building which contains two or more flats and which consists of three or more storeys exclusive of any storey which is constructed for use for purposes other than those of a dwelling-house:

"Housing association" has the meaning assigned to it by section twenty-six of this Act.

"Loan charges" means, in relation to any borrowed moneys, the sums required for the payment of interest on those moneys and for the repayment thereof either by instalments or by means of a sinking fund:

"Statutory security" has the meaning assigned to it by Part IX of the Local Government Act, 1933:

"Statutory undertakers" means any persons authorised by an enactment, or by an order, rule or regulation made under an enactment, to construct, work or carry on a railway, canal, inland navigation, dock, harbour, tramway, gas, electricity, water, or other public undertaking.

(2) In this Act, references to a local authority, where not limited by the context to references to the local authority for the purpose of particular provisions of the enactments relating to housing and unless the context otherwise requires, include references to the Common Council of the City of London, the London County Council, a metropolitan borough council, and the council of a borough, urban district or rural district.

PART VI. —*cont.*

(3) In the Act of 1930, unless the context otherwise requires, the expression "this or the principal Act" shall be construed as including references to the Act of 1925, the Act of 1930 and this Act.

Consequential, drafting and other minor amendments.

98. The amendments specified in the second column of the Sixth Schedule to this Act, being—

(i) as respects those contained in Part I of the said Schedule, consequential amendments; and

(ii) as respects those contained in Part II of the said Schedule, drafting amendments or other amendments of a minor character designed to facilitate consolidation by removing inconsistencies of language and repealing obsolete provisions;

shall be made in the enactments specified in the first column of the said Schedule.

Repeals.

99. The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule, as from the dates specified therein.

Short title, construction and extent.

100.—(1) This Act may be cited as the Housing Act, 1935, and the Act of 1925, the Act of 1930, and this Act may be cited together as the Housing Acts, 1925 to 1935.

(2) This Act, except sections thirty-seven, thirty-eight and ninety-two thereof, shall be construed as one with the Act of 1925 and the Act of 1930, and sections thirty-seven and thirty-eight of this Act shall be construed as one with the Housing (Rural Workers) Acts, 1926 and 1931.

(3) Unless the context otherwise requires, references in this Act to any enactment shall be construed as references to that enactment as amended by any subsequent enactment, including this Act.

(4) This Act shall not extend to Scotland or to Northern Ireland.

SCHEDULES.

FIRST SCHEDULE.

Sections 2, 4, 6, 12.

NUMBER OF PERSONS PERMITTED TO USE A HOUSE FOR SLEEPING.

For the purposes of Part I of this Act the expression "the permitted number of persons" means, in relation to any dwelling-house, either—

(*a*) the number specified in the second column of Table I in the annex hereto in relation to a house consisting of the number of rooms of which that house consists, or

(*b*) the aggregate for all the rooms in the house obtained by reckoning, for each room therein of the floor area specified in the first column of Table II in the annex hereto, the number specified in the second column of that Table in relation to that area,

whichever is the less:

Provided that in computing for the purposes of the said Table I the number of rooms in a house, no regard shall be had to any room having a floor area of less than 50 square feet.

ANNEX.

Table I.

Where a house consists of—

(*a*) One room - - -	2.
(*b*) Two rooms - - -	3.
(*c*) Three rooms - -	5.
(*d*) Four rooms - -	7½.
(*e*) Five rooms or more -	10, with an additional 2 in respect of each room in excess of five.

1ST SCH. —*cont.*

Table II.

Where the floor area of a room is—	
(*a*) 110 sq. ft. or more - -	2.
(*b*) 90 sq. ft. or more, but less than 110 sq. ft. - -	1½.
(*c*) 70 sq. ft. or more, but less than 90 sq. ft. - -	1.
(*d*) 50 sq. ft. or more, but less than 70 sq. ft. - -	½.
(*e*) Under 50 sq. ft. - -	Nil.

Section 15.

SECOND SCHEDULE.

PROVISIONS AS TO THE COMPULSORY PURCHASE OF LAND IN CONNECTION WITH RE-DEVELOPMENT IN ACCORDANCE WITH A RE-DEVELOPMENT PLAN.

1. A compulsory purchase order shall be in the prescribed form and shall describe, by reference to a map, the land to which it applies, and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations—

(*a*) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845);

(*b*) the Acquisition of Land (Assessment of Compensation) Act, 1919; and

8 & 9 Vict. c. 20.

(*c*) section seventy-seven of the Railways Clauses Consolidation Act, 1845, and sections seventy-eight to eighty-five of that Act as originally enacted and not as amended for certain purposes by section fifteen of the Mines (Working Facilities and Support) Act, 1923.

13 & 14 Geo. 5. c. 20.

2. The modifications subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, shall be incorporated in the order are as follows:—

(i) the compensation shall be assessed in accordance with such of the provisions of section seventeen of this Act relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case.

(ii) the arbitrator shall not take into account any building erected, or any improvement or alteration made, or any interest in land created, after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building,

or the making of the improvement or alteration, or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation;

(iii) where any land to which an order relates is glebe land or other land belonging to an ecclesiastical benefice, the order shall provide that sums agreed upon or awarded for the purchase of the land, or to be paid by way of compensation for damage to be sustained by the owner by reason of severance or injury affecting the land, shall not be paid as directed by the Lands Clauses Acts, but shall be paid to the Ecclesiastical Commissioners, to be applied by them as money paid to them upon a sale, under the provisions of the Ecclesiastical Leasing Acts, of land belonging to a benefice.

(iv) notwithstanding anything in section nineteen of the Lands Clauses Consolidation Act, 1845, all notices required to be served by the local authority may be served and addressed in the manner specified in section one hundred and twenty-one of the Act of 1925, in relation to notices required to be served by or under that Act.

3. Before submitting the order to the Minister the local authority shall—

(*a*) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be inspected; and

(*b*) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee of any land comprising or consisting of a house indicated in the order as being unfit for human habitation and not capable at reasonable expense of being rendered so fit, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

4. If any objection is duly made in writing by any of the persons upon whom notices are required to be served, stating as the ground thereof either—

(*a*) that any house indicated in the order as being unfit for human habitation and not capable at reasonable

2ND SCH. —*cont.*

expense of being rendered so fit ought not to have been so indicated; or

(*b*) in the case of land in the re-development area, that the objector is prepared to enter into arrangements for the carrying out of re-development, or for securing the use of the land, in accordance with the re-development plan; or

(*c*) in the case of land outside the re-development area, any matter not being a matter which in the opinion of the Minister can be dealt with by the arbitrator by whom the compensation is to be assessed;

the Minister shall, unless the objection is withdrawn, cause a public local inquiry to be held with respect thereto and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification; and in any other case the Minister may confirm the order with or without modification and either after, or without, causing a public local inquiry to be held:

Provided that the order as confirmed by the Minister shall not—

(i) authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification; or

(ii) authorise the local authority to purchase, as being a house unfit for human habitation and not capable at reasonable expense of being rendered so fit, any house not indicated in the order as submitted as being in that condition.

5. In construing, for the purposes of this Schedule or any order made thereunder, any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

6. So soon as may be after the order has been confirmed by the Minister, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed and of the map referred to therein may be inspected, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at a public local inquiry in support of his objection.

THIRD SCHEDULE.

Sections 31, 40..

COMPUTATION OF EXCHEQUER CONTRIBUTION TOWARDS PROVISION OF FLATS ON SITES OF HIGH VALUE AND OF VALUE OF SITES.

1. In relation to an Exchequer contribution under section thirty-one of this Act " the appropriate sum " means in the case of a site of such cost as is specified in the first column of the following Table, the corresponding sum specified in the second column of the said Table :—

TABLE.

Where the cost of the site as developed per acre—	£ s. d.
exceeds £1,500 but does not exceed £4,000 - - -	6 0 0
exceeds £4,000 but does not exceed £5,000 - - -	7 0 0
exceeds £5,000 but does not exceed £6,000 - - -	8 0 0
exceeds £6,000 - - -	8 0 0 increased by £1 0 0 for each additional £2,000, or part of £2,000, in the cost per acre of the site as developed.

2. For the purposes of section thirty-one of this Act and of this Schedule, the cost of a site as developed means the cost, or, in the case of a site not purchased by the local authority for the purpose of the provision of the flats, the value as certified by the Minister, of the site, including any expenses which in the opinion of the Minister are requisite for making the site available for that purpose and which are incurred by the authority in the construction or widening of streets, the construction of sewers, or the execution of any special works rendered necessary by the physical characteristics of the land, and any expenses incurred in respect of any other matters which the Minister with the consent of the Treasury may approve as properly forming part of the cost of making the site available for that purpose.

The amount of the expenses to be included under this paragraph shall be such as may be estimated by the authority and approved by the Minister.

3. In determining the number of acres in a site, any land which is acquired for the purpose of the provision of the flats and which is used as new street space on which the block of flats will abut shall be deemed to form part of the site.

Sections 40, 41, 43, 44, 50, 53, 96.

FOURTH SCHEDULE.

PART I.

ENACTMENTS PROVIDING FOR EXCHEQUER CONTRIBUTIONS.

1. Section seven of the Act of 1919.
2. Paragraph (*b*) of subsection (1) of section one of the Act of 1923 (as originally enacted).
3. Subsection (3) of section one of the Act of 1923.
4. Paragraph (*b*) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924).
5. The subsection directed to be inserted in section four of the Housing (Rural Workers) Act, 1926, by section thirty-eight of this Act.
6. Section twenty-six of the Act of 1930.
7. Section one of the Act of 1931.
8. Part III of this Act.

PART II.

PROVISIONS AS TO THE DETERMINATION OF THE AMOUNT OF CERTAIN EXCHEQUER CONTRIBUTIONS PAYABLE UNDER SECTION 7 OF THE ACT OF 1919, AND SUBSECTION (3) OF SECTION 1 OF THE ACT OF 1923.

Contributions under S. 7 of the Act of 1919.

1. For the purposes of this Schedule—

(*a*) a scheme under the Act of 1919 means a scheme to which section seven of that Act applies, other than a scheme for the provision of houses for persons in the employment of, or paid by, a county council or a statutory committee thereof;

(*b*) all schemes and parts of schemes under the Act of 1919 which for the time being are being administered by a local authority shall be deemed to be a single scheme carried out by the authority.

2. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under section seven of the Act of 1919 towards the loss resulting from

4TH SCH. —*cont.*

the carrying out of a scheme under the Act of 1919 by a local authority (not being the London County Council or a metropolitan borough council) shall be the amount, if any, by which the estimated loss for that year in respect of the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, exceeds an amount equal to the produce (ascertained as provided by paragraph 8 of this Part of this Schedule) of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme.

3. The estimated loss for any financial year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year.

4. The estimated income for any financial year shall be the sum of the estimated annual rent income (that is to say an amount equal to the aggregate weekly rents of the houses provided or acquired by the authority under the scheme which, as at the thirty-first day of March, nineteen hundred and thirty-five, are accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, multiplied by fifty-two and one-sixth) and any other items of income which, in the opinion of the Minister, may properly be taken into account.

5. The estimated expenditure for any financial year shall be determined in the following manner:—

(1) there shall be ascertained—

(*a*) the aggregate amount of the charges during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, in respect of supervision and management, repairs, unoccupied houses and irrecoverable rents, accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme, exclusive of expenditure, if any, incurred during the said five years on repairs of an abnormal and non-recurring nature and of sums, if any, written off during the said five years in respect of arrears of rents which had occurred in exceptional circumstances;

(*b*) the aggregate amount of the gross estimated rent income during the five years ending on the thirty-first day of March, nineteen hundred and thirty-five, as accepted by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(*c*) the aggregate of, first, the amount which bears the same proportion to the estimated annual rent income as the amount ascertained under head (*a*) of this sub-paragraph bears to the amount

4TH SCH. —*cont.*

ascertained under head (*b*) thereof and, secondly, an amount equal to two per cent. of the estimated annual rent income;

(*d*) the aggregate amount of loan charges for the year in respect of money borrowed for the purposes of the scheme, reduced by the amount, if any, of loan charges for the year relating to expenditure not approved by the Minister for the purpose of the determination of the Exchequer contribution payable in respect of the scheme;

(*e*) any other items of expenditure which, in the opinion of the Minister, may properly be taken into account:

Provided that, where moneys borrowed for the purposes of the scheme are repaid by means of a reborrowing, the rate of interest by which the loan charges in respect of those moneys are to be determined for the purposes of head (*d*) of this sub-paragraph shall, unless the Minister otherwise directs, be the rate at which the moneys are reborrowed, or the rate which, at the date of reborrowing, was the rate fixed by the Treasury under section one of the Public Works Loans Act, 1897, in respect of loans to local authorities advanced out of the Local Loans Fund for the purposes of Part III of the Act of 1925, whichever is the less.

(2) The estimated expenditure for the financial year shall be the sum of the amounts ascertained under heads (*c*), (*d*) and (*e*) of the foregoing sub-paragraph.

6. If and to the extent to which an agreement made before the first day of April, nineteen hundred and thirty-five, by a local authority with the Minister under regulations made in pursuance of subsection (2) of section forty-five of the Act of 1930 provides for the determination of the estimated annual loss resulting from the carrying out of a scheme under the Act of 1919 or of any item of estimated income or expenditure, that matter shall be determined in the manner provided in the agreement and not in the manner provided in the foregoing provisions of this Part of this Schedule.

7. Where, after the thirty-first day of March, nineteen hundred and thirty-five, the number of dwellings included in a scheme under the Act of 1919 is changed by reason of the sale of houses, closing or demolition of huts or other temporary dwellings, alterations of boundaries, or otherwise, the Minister may make such adjustments of the amounts of the estimated losses in respect of periods subsequent to the date of change as he may deem equitable.

4TH SCH. —*cont.*

8. In relation to a scheme under the Act of 1919, the produce of a rate of one penny in the pound for any financial year levied in any area shall be an amount ascertained in accordance with the following provisions :—

(1) The produce of a rate for any period shall be deemed to be the amount actually realised during that period by the collection of rates in that area.

(2) The produce of a rate of one penny in the pound shall be deemed to be that proportion of the produce of a rate which one penny bears to the total amount in the pound of the rate.

(3) Where it is desired to ascertain the amount of the produce of a rate of one penny in the pound levied in any area comprising two or more parts which are differentially rated, the said amount shall be separately ascertained in respect of each of those parts in accordance with the foregoing sub-paragraphs, and the sum of the amounts so ascertained shall be the produce of a rate of one penny in the pound levied in the said area.

Contributions under S. 1 (3) *of the Act of* 1923.

9. Notwithstanding anything in any enactment, the amount of the Exchequer contribution for any financial year under subsection (3) of section one of the Act of 1923 towards the expenses incurred by a local authority in carrying out a scheme to which that subsection applies shall be an amount equal to one-half of the estimated loss for that year incurred in carrying out the scheme, ascertained as provided by paragraphs 3 to 7 of this Part of this Schedule, subject to such modifications as the Minister with the approval of the Treasury may determine to be necessary having regard to the date of the completion of the operations or expedient in all the circumstances.

PART III.

LOCAL AUTHORITIES' CONTRIBUTIONS.

1. In respect of a scheme carried out by the local authority under the Act of 1919, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of an amount equal to the produce, ascertained as provided by paragraph 8 of Part II of this Schedule, of a rate of one penny in the pound for that year levied in the area chargeable with the expenses of the scheme, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not

4TH SCH. —*cont.*

approved by the Minister for the purpose of the determination of the Exchequer contribution :

Provided that, in respect of any year during which no contributions are payable by the Minister in respect of the scheme, this paragraph shall have effect with the substitution, for the reference to an amount equal to the produce of such a rate as is therein mentioned, of a reference to an amount equal to the estimated loss (ascertained as provided by paragraphs 3 to 7 of Part II of this Schedule) for that year in respect of the scheme.

2. In respect of a house in respect of which the Minister has undertaken under paragraph (*b*) of subsection (1) of section one of the Act of 1923 as originally enacted to pay an Exchequer contribution payable to the authority, a contribution for each financial year during the remainder of the period of twenty years from the completion of the house, of an amount equal to the amount of the Exchequer contribution in respect of the house for that year, or an amount equal to the average annual amount contributed out of the general rate fund in respect of the house during the five financial years ending on the thirty-first day of March, nineteen hundred and thirty-five, whichever is the less.

3. In respect of a scheme in respect of which an Exchequer contribution is payable to the local authority under subsection (3) of section one of the Act of 1923, a contribution for each financial year for which the Exchequer contribution is so payable, of an amount equal to the amount of the Exchequer contribution for that year, together with the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution.

4. In respect of a house in respect of which the Minister has undertaken under paragraph (*b*) of subsection (1) of section one of the Act of 1923 (as amended by sections one and two of the Act of 1924) to pay an Exchequer contribution payable to the authority, a contribution for each financial year during the remainder of the period of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or, in the case of a house completed after the thirtieth day of September, nineteen hundred and twenty-seven, three pounds fifteen shillings a year payable for a period of forty years :

Provided that—

(*a*) where immediately before the first day of April, nineteen hundred and thirty-five, the amount of the annual expenses to be borne by the local rate, as

4TH SCH. —*cont.*

estimated for the purpose of compliance with the requirements of paragraph (*e*) of subsection (1) of section three of the Act of 1924, or of subsection (7) of section one of the Act of 1931, as the case may be, was a sum less than the annual amount, calculated by reference to a period of sixty years, equivalent to four pounds ten shillings a year payable for a period of forty years, or three pounds fifteen shillings a year payable for a period of forty years, as the case may be, the annual amount of the contribution shall be that lesser sum;

(*b*) in the case of a house in respect of which the county council make a contribution, this paragraph shall have effect as if there were substituted, for references therein to a sum of four pounds ten shillings or of three pounds fifteen shillings, references to the difference between that sum and the amount of the county council's contribution.

5. In respect of a house in respect of which the Minister has undertaken under section twenty-six of the Act of 1930 to pay an Exchequer contribution payable to the authority, a contribution for each financial year during the period, or remainder of the period, as the case may be, of sixty years from the completion of the house, of the annual amount, calculated by reference to a period of sixty years, equivalent to three pounds fifteen shillings a year payable for a period of forty years, or, if the county council make a contribution, the difference between that contribution and three pounds fifteen shillings.

6. The contributions payable by the local authority under subsection (1) of section thirty-four of this Act.

7. The contributions payable by the local authority under section thirty-nine of this Act.

8. Where in any financial year a deficit is shown in the Housing Revenue Account, a contribution (in this Act referred to as an additional contribution) for that financial year of an amount equal to the amount of the deficit.

9. Where—

(*a*) a local authority satisfy the Minister that their contribution in respect of such houses as are mentioned in paragraph 2, 4, or 5 of this Part of this Schedule should, having regard to the extent to which repayment or provision for repayment of money borrowed for expenditure in connection with the provision of the houses has been made before the first day of April, nineteen hundred and

4TH SCH. —*cont.*

thirty-five, be of an amount less than the amount specified in that paragraph; or

(*b*) a local authority are of opinion that their contribution in respect of such houses as are mentioned in paragraph 4 or 5 of this Part of this Schedule should, having regard to the arrangements made for repaying money borrowed for expenditure in connection with the provision of the houses, be of an amount equivalent to the amount specified in that paragraph for a less period than the period therein specified for the payment of the contribution;

the provisions of that paragraph shall have effect in the case of that authority subject to such modifications as the Minister may determine.

PART IV.

MODIFICATION OF FINANCIAL PROVISIONS AS TO LONDON.

1. As from the first day of April, nineteen hundred and thirty-five—

(*a*) the London County Council shall pay to the council of a metropolitan borough for each financial year an amount equal to any loss which may be incurred for that year by the metropolitan borough council in carrying out a scheme under the Act of 1919;

(*b*) for the purposes of the foregoing sub-paragraph the loss for any year shall be the amount by which the estimated expenditure for that year in respect of the scheme exceeds the estimated income for that year, and that expenditure and income shall be ascertained in accordance with the provisions of paragraphs 4 to 7 of Part II of this Schedule;

(*c*) notwithstanding anything in any enactment, no Exchequer contribution shall be payable to a metropolitan borough council under section seven of the Act of 1919, but the amount of the Exchequer contribution payable to the London County Council for any financial year in respect of schemes under the Act of 1919 shall be the amount, if any, by which the aggregate of, first, the estimated loss for that year in respect of the carrying out of any such scheme by the London County Council (ascertained as provided by paragraphs 3 to 7 of Part II of this Schedule) and, secondly, the amount of the sums payable by the London County Council to metropolitan borough councils under this paragraph for that year, exceeds an amount equal to the produce of a rate of one penny in the pound for that year levied in the

administrative county of London other than the city of London, ascertained as provided by paragraph 8 of Part II of this Schedule.

2. For the purposes of the application to a metropolitan borough council of the provisions of Part III of this Act relating to the contributions to be made by a local authority out of the general rate fund, the following paragraph shall be substituted for paragraph 1 of Part III of this Schedule :—

"1. In respect of a scheme under the Act of 1919, carried out by the local authority, a contribution for each financial year during the remainder of the period during which loan charges in respect of money borrowed for the purposes of the scheme are payable, of the amount of any loan charges for that year in respect of money borrowed for expenditure in connection with the scheme which was not approved by the Minister for the purpose of the determination of the Exchequer contribution."

3. For the purposes of the application to the Common Council of the city of London, to the London County Council and to a metropolitan borough council, of the provisions of Part III of this Act relating to the contributions to be made by a local authority out of the general rate fund, the provisions of paragraphs 4 and 5 of Part III of this Schedule relating to the determination of the amount of such contributions in a case where the county council make a contribution shall not have effect, but where a contribution is made to the Common Council of the city of London, to the London County Council or to a metropolitan borough council for any year under any of the enactments referred to in sub-paragraphs (*b*) and (*c*) of the next succeeding paragraph in relation to any scheme or house referred to in Part III of this Schedule, the amount of the contribution to be made by that council for that year in respect of that scheme or house shall be reduced by the amount of the contribution so made.

4. The Common Council of the city of London and a metropolitan borough council who are required to keep a Housing Revenue Account shall carry to the credit of the account, in addition to the amounts in respect of incomings for any year which they are required by section forty-three of this Act to carry to the credit of that account,—

(*a*) an amount equal to the aggregate amount of any payments made to them for that year by the London County Council in respect of loss incurred by them in carrying out a scheme under the Act of 1919;

(*b*) an amount equal to the aggregate amount of any supplementary contributions made to them for that year by the London County Council under subsection (6) of section one of the Act of 1923, or under subsection (5) of section two of the Act of 1924;

4TH SCH. —*cont.*

(*c*) an amount equal to the aggregate amount of any contributions, towards expenses incurred by them in relation to matters in respect of which the Housing Revenue Account is kept, made to them for that year by the London County Council or otherwise under subsection (3) of section eighty of the Act of 1925, or under proviso (ii) to subsection (5), or subsection (8), of section sixteen of the Act of 1930, or under section twenty-two of this Act.

5. The London County Council shall debit to their Housing Revenue Account, in addition to the amounts in respect of outgoings for any year which they are required by section forty-three of this Act to debit to that account, an amount equal to the aggregate amount of any payments made by them for that year in respect of losses incurred by metropolitan borough councils in carrying out schemes under the Act of 1919.

6. For references in Part III of this Act and in this Schedule to the general rate fund of a local authority there shall be substituted, in relation to the London County Council, references to the county fund.

Section 52.

FIFTH SCHEDULE.

ENACTMENTS WITH RESPECT TO CONDITIONS AFFECTING LOCAL AUTHORITIES' HOUSES CEASING TO HAVE EFFECT.

The Act of 1924—	
Section two -	In subsection (1), the words "if the houses " are subject to special conditions as " hereinafter provided in this Act", so far as regards houses provided by a local authority.
	In subsection (5), the words " which is subject to special conditions"; and the words from " and for the purposes " to the end of the subsection.
Section three -	Subsection (1).
The Act of 1930—	
Section twenty-six.	In subsection (1), the words from "and to such conditions" to "he may determine".
	In subsection (2), the words from " in respect of which " to the end of the subsection.
	In subsection (4), the words from " unless the local authority" to " provided by them or".

5TH SCH. —*cont.*

The Act of 1930 —*cont.*	
Section twenty-seven.	The whole section, so far as regards houses provided by a local authority.
Section thirty -	The whole section.
Section thirty-four.	In subsection (1), the words from " which if those proposals are approved " to " Part III of this Act ". In subsection (2), the words from " payable, subject as hereinafter provided " to " agricultural population ". Subsection (4).
Section forty-four.	Subsection (1), so far as regards subsection (1) of section three of the Act of 1924.
Section forty-six.	Proviso (*a*).
Section forty-eight.	Subsection (2).
Section fifty-four.	Subsection (5).
The Act of 1931—	
Section one -	In subsection (1), the words " on such conditions as he may with the like approval determine "; and subsection (7).

SIXTH SCHEDULE.

Section 98.

CONSEQUENTIAL, DRAFTING AND MINOR AMENDMENTS.

PART I.

CONSEQUENTIAL AMENDMENTS.

The Act of 1925	In section ninety, in subsection (3) for the word " sum " there shall be substituted the word " advance "; and in subsection (4), in paragraph (*b*), the word " solely " shall be omitted, and in paragraph (*c*), the words " on the security of a mortgage of any land or houses solely " shall be omitted, after the words, " proposed to be mortgaged " there shall be inserted the words " in pursuance of subsection (2A) of this section ", and for the words " the houses on the land mortgaged " there shall be substituted the words " houses or other work on land so mortgaged ";"

6TH SCH. —*cont.*

The Act of 1925 —*cont.*

The following paragraph shall be inserted at the end of section one hundred and twenty-seven—

"(*d*) for the purpose of measuring the rooms of a house in order to ascertain for the purposes of Part I of the Housing Act, 1935, the number of persons permitted to use the house for sleeping."

The Act of 1930

In section twenty-one, in subsection (2), the words "the terms of" shall be omitted.

In section fifty-nine, at the end of subsection (1), there shall be inserted the words "or for the "purpose of enabling re-development in "accordance with a re-development plan to "be proceeded with."

In Part I of the Second Schedule, sub-paragraph (*b*) of paragraph 3 shall be repealed and at the end of the paragraph there shall be inserted the following new sub-paragraph—

"(*b*) what buildings, if any, to be purchased compulsorily are included in the clearance area only on the ground that by reason of their bad arrangement in relation to other buildings, or the narrowness or bad arrangement of the streets, they are dangerous or injurious to the health of the inhabitants of the area."

In Part I of the Second Schedule, paragraph (*c*) of proviso (ii) to paragraph 5 shall be repealed and at the end of that proviso there shall be inserted the following new paragraph—

"(*c*) authorise the local authority to purchase compulsorily any building on less favourable terms with respect to compensation than the terms on which the order would have authorised them to purchase the building if the order had been confirmed without modification."

The Local Government Act, 1933.

In the Eighth Schedule, for the reference to public utility societies there shall be substituted a reference to housing associations.

PART II. 6TH SCH. —*cont.*

DRAFTING AND OTHER MINOR AMENDMENTS.

The Municipal Corporations Act, 1882. Section one hundred and eleven and Part III of the Eighth Schedule shall be repealed.

The Act of 1924 In section eight, after the words " the provision of houses " there shall be inserted the words " whether under this Act or any other Act."

The Act of 1925 In subsection (4) of section one, for the words " with a population according to the last census for the time being " there shall be substituted the words " being a borough or " district which at the date of the contract " had, according to the last published census, " a population ".

In subsection (2) of section two, the words from " but shall not apply " to the end of the section shall be repealed.

In section five, after the words " any person who " there shall be inserted the words " while the default continues ".

In section thirty-two, for subsection (6) there shall be substituted the following subsection:—

" (6) Nothing in this section with respect to the priority or validity of charges thereunder shall be construed as affecting the application to any such charge of the provisions of the Land Charges Act, 1925, as amended by any subsequent enactment, or of the Yorkshire Registries Act, 1884, as so amended, and for the purposes of the last-mentioned Act every charging order under this section which relates to a house in Yorkshire shall be registered in the manner in which a charge made by deed by the absolute owner of the premises would at the date of the order be required to be registered."

In paragraph (*c*) of subsection (1) of section fifty-nine, for the words " or exchange it," there shall be substituted the words " or part " thereof, or exchange the land or part " thereof ".

In section sixty-seven, in subsection (2) the words " by regulations " shall be repealed.

6TH. SCH. —*cont.*

The Act of 1925 —*cont.*

In section seventy-eight, subsection (1) shall be repealed.

In section ninety, in subsection (4), in paragraph (*b*), after the words "fee simple" there shall be inserted the words "absolute in possession".

In section ninety-two, in subsection (4), after the word "advance" where that word occurs for the fourth time, there shall be inserted the words "or guarantee".

In subsection (3) of section one hundred and three, for the words "common or open space", in both places where those words occur, there shall be substituted the words "common, open space or allotment"

In subsection (3) of section one hundred and six, after "purchased", in both places where that word occurs, there shall be inserted the words "or appropriated".

Section one hundred and thirteen shall be repealed.

Section one hundred and twenty-six shall be repealed.

In the Fourth Schedule, in paragraph 1, for sub-paragraph (*b*) there shall be substituted the following sub-paragraph—

"(*b*) bear interest at such rate as the local authority may determine at the time of the issue of the bonds".

The Act of 1930

In subsection (1) of section five, for the reference to section ninety-five of the Public Health Acts Amendment Act, 1907, there shall be substituted a reference to section one hundred and sixty-three of the Local Government Act, 1933.

In subsection (3) of section twenty-three the word "town" shall be omitted.

In subsection (1) of section fifty-one, for the words "the latest published return of the Registrar-General" there shall be substituted the words "the last published census".

In subsection (1) of section fifty-nine, after the figures "1925" there shall be inserted the words "as amended by any subsequent enactment".

The Act of 1930 —*cont.*

In subsection (1) of section sixty, for the words in paragraph (*b*), "the latest census return of the Registrar-General published" there shall be substituted the words "the last published census".

6TH SCH. —*cont.*

In section sixty-two, at the end of subsection (1) there shall be inserted the words "the "expression 'planning scheme' means a "scheme made under the Town Planning "Act, 1925, or the Town and Country "Planning Act, 1932, or any enactment re-"pealed by either of those Acts".

In section sixty-two, in subsection (3), after the words "byelaws in operation in the district", there shall be inserted the words "or of any enactment in any local Act in operation in the district dealing with the construction and drainage of new buildings and the laying out and construction of new streets".

In Part II of the Second Schedule for the words "sub-paragraphs (*i*) and (iii)" there shall be substituted the words "sub-paragraph (iii)", the word "and" where it occurs for the third time shall be omitted and after the words "paragraph 5" there shall be inserted the words "and paragraph 6"

SEVENTH SCHEDULE.

Section 99.

PART I.

ENACTMENTS REPEALED AS FROM THE COMMENCEMENT OF THIS ACT.

Session and Chapter.	Short Title.	Extent of Repeal.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section one hundred and eleven. In the Eighth Schedule, Part III.
11 & 12 Geo. 5. c. 19.	The Housing Act, 1921	Section five.

7TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	In section one, in subsection (1), the words "subject to such conditions as to records, certificates, audit or otherwise, as, with the approval of the Treasury, he may determine." In section twenty-two, paragraph (*b*).
14 & 15 Geo. 5. c. 35.	The Housing (Financial Provisions) Act, 1924.	In section two, in subsection (1), the words "if the houses are subject to special conditions as hereinafter provided in this Act", so far as regards houses provided by a local authority; in subsection (5), the words "which is subject to special conditions" and the words from "and for the purposes" to the end of the subsection. In section three, subsection (1). In section fourteen, in subsection (1), the words "and for the purposes of paragraph (*e*) of subsection (1) of section three of this Act, the amount of any such contribution shall be treated as if it were part of the expenses borne by the county rate."
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925.	In section two, in subsection (2) the words from "but shall not apply" to the end of the section. In section eighteen, the words "habitually used as a sleeping place." In section forty-six, in subsection (1), the proviso. In section fifty-seven, in subsection (1), the words

7TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 14—*cont.*	The Housing Act, 1925 —*cont.*	" Except where the local " authority is a rural " district council." In section fifty-eight, subsection (2), and in subsection (3) the words " by agreement (but not otherwise)." In section sixty-seven, in subsection (2), the words " by regulations." In section seventy-eight, subsection (1). Section ninety-five. Section one hundred and ten. Section one hundred and thirteen. In section one hundred and twenty-one, subsection (2). Section one hundred and twenty-six. In section one hundred and thirty-five, the definition of " Public utility society."
20 & 21 Geo. 5. c. 39.	The Housing Act, 1930.	In section four the words from " with the intention of demolishing " to " provision of houses for " the working classes "; and the word " such." In section seven, subsection (1). In section eight, in subsection (1), paragraph (iii); and subsection (3). In section sixteen, in subsection (2), the proviso; in subsection (3) the words " to declare any area to be an improvement area," the words from " to make any byelaws " to the words " safety from fire," and the words from " and observe and enforce compliance " to the words " safety from fire "; in subsection (4), the proviso; in subsection (5), in

7TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5. c. 39—*cont.*	The Housing Act, 1930 —*cont.*	proviso (ii) the words "or as part of an improvement area," and in proviso (iii) the words "as an improvement area or"; and subsection (9). In section twenty-one, in subsection (2), the words "the terms of". In section twenty-three, in subsection (3), the word "town". In section twenty-five, subsection (2). In section twenty-six, in subsection (1) the words from "and to such conditions" to "he may determine"; in subsection (2), the words from "in respect of which" to the end of the subsection; in subsection (4) the words from "unless the local authority" to "provided by them or"; subsection (6). Section twenty-seven, so far as regards houses provided by a local authority. Section twenty-eight. Section twenty-nine. Section thirty. In section thirty-four, in subsection (1), the words from "which if those proposals are approved" to "Part III of this Act"; in subsection (2), the words from "payable, subject as hereinafter provided" to "agricultural population"; and subsection (4). In section forty-four, subsection (1), so far as regards subsection (1) of section three of the Act of 1924. Section forty-five. In section forty-six, proviso (*a*). In section forty-eight, subsection (2).

LIBRARY OF THE BOMBAY BRANCH OF THE ROYAL ASIATIC SOCIETY

7TH SCH. —*cont.*

Session and Chapter.	Short Title.	Extent of Repeal.
20 & 21 Geo. 5 c. 39—*cont.*	The Housing Act, 1930 —*cont.*	In section fifty-one, in subsection (2), the word "either," and the words "or as an improvement area," wherever those words respectively occur. In section fifty-four, subsection (5). Section fifty-five. In the Second Schedule, in Part I, in paragraph 3, sub-paragraph (*b*); and in paragraph 5, in proviso (ii), paragraph (c).
21 & 22 Geo. 5. c. 39.	The Housing (Rural Authorities) Act, 1931.	In section one, in subsection (1), the words "on such "conditions as he may "with the like approval "determine"; and subsection (7).

PART II.

ENACTMENTS REPEALED AS FROM THE 1ST APRIL, 1935.

Session and Chapter.	Short Title.	Extent of Repeal.
13 & 14 Geo. 5. c. 24.	The Housing, &c. Act, 1923.	In section six, subsection (1), so far as it saves the validity of and the power to amend regulations made under section seven of the Act of 1919 or section eight of the Housing Act, 1921, not being regulations relating to schemes for the provision of houses for persons in the employment of or paid by a county council or a statutory committee thereof; and subsection (3).

7TH SCH. —*cont.*

PART III.

ENACTMENT REPEALED AS FROM THE APPOINTED DAY.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Geo. 5. c. 14.	The Housing Act, 1925.	In section six, in subsection (1), paragraph (*a*).

CHAPTER 41.

An Act to make further and better provision for the prevention of overcrowding in Scotland, the re-development of areas in connection with the provision of housing accommodation, and the re-conditioning of buildings, to make provision for the establishment in Scotland of a housing advisory committee and of commissions for the management of local authorities' houses, to amend the enactments relating to the housing operations of public utility societies and other bodies, to provide for the consolidation of housing accounts and subsidies, and to amend the enactments relating to housing in Scotland; and for purposes connected with the matters aforesaid. [2nd August 1935.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows :—

PART I.

OVERCROWDING, RE-DEVELOPMENT AND RE-CONDITIONING.

Prevention of overcrowding.

Duty of local authority to inspect

1.—(1) It shall be the duty of every local authority before such dates as the Department may, after consultation with the authority, fix as respects their district,